

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.05.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.11939 of 2021

and W.M.P.Nos.12695,12696,12698 and 12701 of 2021

Nidya Chamber Bricks,
Rep. by its Proprietor Mr.B.Jagadesh,
14/5 A.Thiruvalluvar Street,
V.K.R.Nagar, Coimbatore North,
Coimbatore,
Tamil Nadu - 641 029.

..Petitioner

Vs

- 1.The District Collector,
Coimbatore District,
Coimbatore - 641 018.
- 2.The Assistant Director,
Department of Geology & Mining,
Coimbatore - 641 018.
- 3.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Coimbatore North, Coimbatore.
- 4.The Tahsildar,
Coimbatore North Taluk,
Coimbatore.
- 5.The Executive Engineer(Distribution)
TANGEDCO, K.Vadamadurai,
Coimbatore District.

..Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorari calling for the records of the notice of the respondents 2 to 4 in connection with the notice for closure of the Bricklin Chamber units 615,Nadiya Bricks Anaikatty, Chinnathadagam, Coimbatore, of the petitioner dated 19.03.2021 and quash the same.

For Petitioner : Mr.M.Velmurugan

For Respondents: Mr.M.Elumalai,
Additional Government Pleader
for R1 to R4
Mr.Damodaran
for R5

ORDER

Challenging the notice dated 19.03.2021, the petitioner has filed this writ petition.

2.Mr.M.Elumalai, learned Additional Government Pleader takes notice on behalf of respondents 1 to 4 and Mr.N.Damodaran, learned counsel takes notice on behalf of the fifth respondent.

3.Learned counsel for the petitioner places reliance on the order in W.P.No.9606 of 2021 etc., batch dated 30.04.2021. According to the learned counsel, it directly applies to the facts of this particular case. The petitioner is aggrieved by the notice, now impugned in the writ petition dated 19.03.2021, which according to him, had been issued without prior notice. The petitioner is running a brick kiln in Chinnathadagam, Coimbatore District. In the order under reference passed in the above writ petition dated 30.04.2021, at paragraphs 22 and 23, the learned Judge, after examining the legal issues, has stated as follows:

22.For the foregoing reasons, without delving much upon the merits and demerits of the other submissions of the learned counsel on either side, excepting incorporating the same hereinabove, this Court is of the opinion that the impugned orders need interference by this Court. Accordingly, the impugned orders are set aside and the District Collector, Coimbatore, who is the competent authority under the statute, shall pass appropriate orders with respect to all these petitioners after affording an opportunity of hearing within a period of four weeks from the date of receipt of a copy of this order. The impugned orders would be treated as notices to the petitioners for appearing before the District Collector. No separate notice in this regard will be issued to the petitioners. The petitioners are at liberty to submit all relevant documents in support of their claim. It is made clear that no further extension of time would be granted to the District Collector to complete the above exercise of passing the appropriate orders qua these petitioners. The District Collector, Coimbatore, shall proceed with the further process based on the web copy of the order, without waiting for the certified copy.

23.It is open to the respondents to take any action against the brick kilns including the

petitioners, if it is found that the same has been operated without any license/clearance in the manner known to law. This order would not preclude the authorities in exercising their powers in accordance with law. It is also made clear that the owners of the brick kilns can run the show, if they possess a valid licence and other documents to do so.

4.This particular writ petition is ordered to the extent as indicated above. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

- 1.The District Collector,
Coimbatore District,
Coimbatore - 641 018.
- 2.The Assistant Director,
Department of Geology & Mining,
Coimbatore - 641 018.
- 3.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Coimbatore North, Coimbatore.
- 4.The Tahsildar,
Coimbatore North Taluk,
Coimbatore.
- 5.The Executive Engineer(Distribution)
TANGEDCO, K.Vadamadurai,
Coimbatore District.

+1cc to the Government Pleader, S.R.No. 27255

W.P.No.11939 of 2021

KV(CO)
GN(17/06/2021)