



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WRIT PETITION NO.17449 OF 2021

M.Mohammed Shabi

...Petitioner

-Vs-

1. The District Collector
Villupuram District, Villupuram.
2. The Block Development Officer
Koliyanur Panchayat Union
Koliyanur, Villupuram District.
3. M/s.Sun Motors
Srinivasa Nagar, Panankuppam
Valavanur, Villupuram District.

...Respondents

Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the first and second respondents to take suitable action as against the third respondent under the provisions of the Tamil Nadu District Municipalities Act, 1920, and the Tamil Nadu Public Health Act, 1939 as recommended by the District Environmental Engineer, Villupuram within a time frame to be fixed by this Hon'ble Court.

For Petitioner : Mr.C.Munusamy

For Respondents : Mr.U.Baranidharan,
Government Advocate – for R1
Mr.C.Selvaraj – for R2



O R D E R

This writ petition has been filed for the issue of a Writ of Mandamus directing the first and second respondents to initiate suitable action against the third respondent based on the recommendation made by the District Environmental Engineer, Villupuram through proceedings dated 19.08.2019 and 26.02.2020.

2. The case of the petitioner is that, the third respondent has been running an automobile workshop without any permission from the concerned authorities. The automobile workshop is causing a lot of pollution and nuisance to the persons living in the locality since there is a lot of smoke that is emanated from the workshop. That apart, the petitioner has also alleged that the third respondent keeps burning tyre and plastic materials and thereby the smoke is turning toxic which is inhaled by persons living in the locality and as a result of the same, they are suffering from health hazards. The petitioner made a complaint in this regard before the District Environmental Engineer and the said authority, on considering the complaint made by the petitioner, had directed the first and second respondents to immediately initiate action under the District Municipalities Act and the Tamil Nadu Public Health Act. The grievance of the petitioner is that, the first and second respondents never acted upon the recommendation and left with no other option, the present writ petition has been filed before this Court seeking for appropriate directions.

3. Heard Mr.C.Munusamy, learned counsel appearing for the petitioner, Mr.U.Baranidharan, learned Government Advocate appearing for the first respondent and Mr.C.Selvaraj, learned counsel for the second respondent.

4. Taking into consideration the facts and circumstances of the case and also the proceedings of the District Environmental Engineer dated 19.08.2019 and 26.02.2020, there shall be a direction to the second respondent to immediately initiate action and conduct an inspection and call the third respondent for an enquiry. If the third respondent is carrying on to run the workshop without any permission, and if the workshop is causing pollution and nuisance to the locality, action shall be immediately initiated strictly in accordance



with law. This process shall be completed by the second respondent within a period of four weeks from the date of receipt of a copy of this order. The petitioner is directed to make a fresh representation to the second respondent along with all the relevant documents and also a copy of this order.

5. With the above directions, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-VIII)

// True Copy //

Sub Assistant Registrar

KST

To

1. The District Collector
Villupuram District, Villupuram.
2. The Block Development Officer
Koliyanur Panchayat Union
Koliyanur, Villupuram District.

+1cc to the Government Advocate, S.R.No.42099

W.P.No.17449 of 2021

SSI(CO)
RLP(17/09/2021)