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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. No. 23641 of 2021

S. Gopal Swamy

.. Petitioner

Versus

1.The District Collector
O/o. District Collector
Thiruvarur District

2.District Environmental Engineer
District Pollution Control Board
Nagapattinam District

3.The Tahsildar
O/o. Manargudi Thasildar
Manargudi, Thiruvarur District

4.R. Priyadharshini

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to take action and close the curser, bitumen recycle unit situated in New S.No.221/A2 Old S.No.221/2, 209/10A total extent 1 acre 33 cents by the 4th respondent in pursuant to the petitioner representation dated 19.08.2021.

For Petitioner	:	Mr.P. Muthamizh Selvakumar
For Respondents	:	Mr.Stalin Abhimanyu Government Counsel for R1-R3

O R D E R

Mr. Stalin Abhimanyu, learned Government Counsel takes notice on behalf of the respondents 1 to 3. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.



2. The petitioner has come up with this writ petition praying to issue a Writ of Mandamus directing the respondents 1 to 3 to take action and close the curser, bitumen recycle unit of the fourth respondent situated in New S.No.22/1A2 Old S.No.221/2, 209/10A measuring to a total extent of 1 acre 33 cents on the basis of his representation dated 19.08.2021.

3. According to the petitioner, he is a farmer, doing cultivation in the land measuring 15 acres at Mela Nagai, Revenue Village No.30, Neduvakottai, Manargudi Taluk. The fourth respondent herein is also having land comprised in S.No. 221/A2 (Old S.No. 221/2) measuring an extent of 0.54.0 S.No.209/10A to the total extent of land to 1 acre 33 cents, which is situated in the centre part at the other agricultural lands. The petitioner further stated that the fourth respondent is indulging in production of bitumen products by using a crusher machine for laying road, without obtaining any permission from the authorities concerned and the machineries used by her cause huge noise and the fume causes irritation, which affects respiratory system. The use of the crusher machinery also accumulates dusts in the farming field. However, the fourth respondent is continuing such activity without any system to process the waste. In this context, the petitioner submitted a representation dated 04.10.2021 to the respondents 1 to 3 to take action against the fourth respondent for unauthorised use of machinery and indulging in activities that are detrimental to the ecology. However, the representation dated 04.10.2021 has not been considered so far. Hence, this writ petition.

4. Heard the counsel for the petitioner and the learned Government Counsel for the respondents and also perused the materials placed before this Court.

5. It is seen from the pleadings that the fourth respondent, without obtaining any permission from the competent authority, is using crusher machines and engaged in production of bitumen products in the subject lands, which causes great hardship to the petitioner as well as other farmers. Hence, the petitioner has given a representation dated 04.10.2021 to the respondent authorities to take action against the fourth respondent which was not considered. In such circumstances, this Court deems it fit to issue appropriate direction to the respondent concerned. Accordingly, the first respondent is directed to consider the petitioner's representation dated 04.10.2021 and pass appropriate orders, on merits and in accordance with law, after affording reasonable opportunity of hearing to the petitioner and the fifth respondent as well as any other interested parties, within a period of eight weeks from the date of receipt of a copy of this order.



6. With the above direction, this Writ Petition stands disposed of. No costs.

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Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

dhk/rsh

To

- 1.The District Collector,
O/o. District Collector,
Thiruvarur District.
- 2.The District Environmental Engineer,
District Pollution Control Board,
Nagapattinam District.
- 3.The Tahsildar,
O/o. Manargudi Thasildar,
Manargudi, Thiruvarur District.

+1cc to the Government Pleader Sr No.57602

WP No. 23641 of 2021

VGII (CO)
PR (03/12/2021)