



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2021

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI,
ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

W.P.No.25592 of 2021 & WMP.No.27008 of 2021

G.Velu

.. Petitioner

Vs.

1. The Government of Tamil Nadu
rep. by its Secretary
Ministry of Environment and Forest Department
Fort St. George
Chennai-9.
2. The Chairman
Tamil Nadu Pollution Control Board
No.76, Mount Salai, Guindy
Chennai-32.
3. The District Environmental Engineer
Tamil Nadu Pollution Control Board
950/1, P.H.Road
Arumbakkam
Chennai-106.
4. The Managing Director
SIDCO,
Thiru Vi Ka Industrial Estate
Guindy, Chennai-32.
5. The Branch Manager
SIDCO Industrial Estate
Villivakkam,
Opposite Usha Fire Safety System
Villivakkam, Chennai-49.



6. Saravanabava Enterprises
L-16, SIDCO Industrial Area
Villivakkam, Chennai-49.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the first respondent to take necessary action against the sixth respondent for flagrant violation of standard of measurement of sound to be maintained by the industrial sectors based on the representation dated 08.10.2021.

For Petitioner : Mr.K.Venkateswaran

For Respondents Mr.T.Seenivasan
Spl. Govt. Pleader
(Forests) for respondent-1

Mrs.Shanmugavalli Sehar
for respondents 2 and 3

ORDER

(Order of the Court was made by
the Hon'ble Acting Chief Justice)

This public interest litigation has been filed seeking a direction by the first respondent to take action against the sixth respondent for the alleged violation of standard of measurement of sound to be maintained by industrial sectors, based on the representation made by the petitioner on 08.10.2021.

2. According to learned counsel for the petitioner, the noise level emanated by the sixth respondent is beyond the prescribed limits and that the Pollution Control Board, based on the representation made by the petitioner, conducted Ambient Noise Level survey and found that the noise level measured was within the prescribed standards. However, the Pollution Control Board has instructed the sixth respondent to install equipments to minimise the noise level. As the sixth respondent has not complied with the same, the petitioner again made a representation on 08.10.2021. Since no action was taken on the said representation, the petitioner has come up with this writ petition.

3. We have considered the submissions made by learned counsel and perused the records.



4. The petitioner has placed on record letters of the Tamil Nadu Pollution Control Board dated 29.07.2019 and 28.02.2020. A perusal of those letters shows that the Pollution Control Board had conducted noise level survey in the sixth respondent industry and found that the noise level was within the prescribed standards. However, the Pollution Control Board has given certain directions to the sixth respondent to minimise the noise level. When the Pollution Control Board itself has found the noise level to be within the prescribed limits, no further direction could be given now. The fact that the petitioner is having his residence close to the industry in the industrial area would not entitle him to a direction of the nature sought when noise level is within the prescribed limits.

5. In view of the above, we do not find any reason to issue direction as prayed for by the petitioner. Accordingly, W.P.No.25592 of 2021 is dismissed. There will be no order as to costs. Consequently, WMP No.27008 of 2021 is also dismissed.

Sd/-

Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

kpl

To:

1. The Secretary
Government of Tamil Nadu
Ministry of Environment and Forest Department
Fort St. George, Chennai-9.
2. The Chairman
Tamil Nadu Pollution Control Board
No.76, Mount Salai, Guindy, Chennai-32.
3. The District Environmental Engineer
Tamil Nadu Pollution Control Board
950/1, P.H.Road, Arumbakkam, Chennai-106.
4. The Managing Director
SIDCO, Thiru Vi Ka Industrial Estate
Guindy, Chennai-32.



5. The Branch Manager
SIDCO Industrial Estate
Villivakkam, Opposite Usha Fire Safety System
Villivakkam, Chennai-49.

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+1cc to Mr.K.Venkateswaran, Advocate SR.No.62893

+1cc to Mrs.Shanmugavalli Sehar, Advocate SR.No.62528

+1cc to Government Pleader SR.No.62883

W.P.No.25592 of 2021

MG (CO)
GMY (06/12/2021)