



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.26486 of 2021
and WMP.Nos.27938, 27939 & 27940 of 2021

M/s.Selvams Coir,
Rep. By its Proprietor Dhamothiraprabhu
Son of Rajamani
No.18/1, Nethaji Street,
Near Noyyal Anaikattu,
Chinnamauthur, Muthur,
Tiruppur District.

..... Petitioner

vs.

1. The District Collector,
Tiruppur, Tiruppur District.

2. The Sub-Collector,
Kangayam, Tiruppur District.

3. The Executive Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Kangayam, Tiruppur District.

4. The Assistant Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Kangayam, Tiruppur District.

5. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Tiruppur North.

.. Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ in the nature of Writ of Certiorarified Mandamus to call for the records pertaining to the proceedings of the 4th respondent vide Ka.No.Uu.Me.Po/E.Pa/Nagar/Muthur/Ko.Kattu/A.No. Dated 27.09.2021 and 5th respondent proceedings vide Lr.No.F.NA/OS/DEE/TNPCB /TPN/2021 dated 20.11.2021 to quash the same as arbitrary and illegal, and consequently direct the 3rd respondent to restore the electricity connection in respect of the property compromised in Survey No.243 bearing Door No.18/1, Nethaji



WEB COPY

Street, Muthur Village near Noyyal Anaikattu Chinnamuthur,
Muthur, Tiruppur District.

For Petitioner : Mr.R.Jayaprakash
For Respondents : Mrs.C.Sangamithirai RR 1 & 2
Spl. Government Pleader

ORDER

The petitioner has filed this petition seeking quash the proceedings of the 4th respondent vide Ka. No. Uu.Me.Po /E.Pa /Nagar /Muthur /Ko.Kattu/A.No, Dated 27.09.2021 and 5th respondent proceedings vide Lr.No.F. NA /OS / DEE/ TNPCB/TPN/2021 dated 20.11.2021 and direct the 3rd respondent to restore the electricity connection in respect of the property compromised in Survey No.243 bearing Door No.18/1, Nethaji Street, Muthur Village near Noyyal Anaikattu Chinnamuthur, Muthur, Tiruppur District.

2. The case of the petitioner is that he is running an industry and manufacturing Coir pith, Coir Block and Coir related products from the year 2014. The coconut husk is the primary raw materials for producing the aforesaid products. The said company has been registered with the Ministry of Micro, Small and Medium Enterprises and the said Enterprises have certified the petitioner's company as white category industry. The petitioner had obtained license from the above said enterprises till 31.12.2022. While so, the 5th respondent viz., Pollution Control Board issued a notice dated 02.07.2021 to the petitioner violated Section 25 of the Water (Prevention and Control of Pollution) Act, 1974 and also to close down the unit and stoppage of the power supply. The petitioner has replied for the said proceedings of the 5th respondent. While that being so, as per the recommendation of the 5th respondent, the 4th respondent issued a notice dated 27.09.2021 to the petitioner for the disconnection of the electricity connection in the petitioner's company and subsequently, it was disconnected. Thereafter, the petitioner send a representation to the respondents 3 & 5 to restore the electricity connection. However, till date no action has been taken respondents on the application made by the petitioner. Hence the present Writ Petition has been filed by the petitioner with the above relief.

3. The learned counsel for the petitioner submits that the petitioner never used the water for industrial purpose and the said firm is running from the year 2014 and more than 100 employee are working in the unit. The petitioner is paying tax



regularly. The unit falls under the White category which is non pollutant and eco-friendly. Without considering all these facts, the respondent 3 & 5, issued notice and disconnected the electricity connection. The petitioner is ready to rectify all the defects stated by the respondents. Hence, the learned counsel prays to quash the impugned orders and restore the electricity connection.

4. The learned Special Government Pleader submitted that the 5th respondent conducted a spot inspection in the petitioner's firm on 12.11.2021 and rightly issued notice for violation of the rules. Such stringent action was required since public interest is involved and therefore, absolutely no ground to interfere with the decision taken by the respondents.

5. Heard the learned counsel on both sides and perused the materials available on record.

6. The case of the petitioner is that the petitioner is running an Industry, manufacturing coir pith, coir block and coir related products and he is strictly following the rules and regulations. But, on the spot inspection, the 5th respondent issued a notice for violating the norms and as per the recommendation of the 5th respondent, the 3rd respondent issued notice and disconnected the electricity service.

7. The impugned notice dated 20.11.2021, the 5th respondent has observed the violation as follows:

'1. The unit was not in operation. Power supply to the unit was found disconnected.

2. The coconut husk was found stored on land open to sky without providing impervious platform.

3. Lot of cracks was noticed on the existing masonry platform over which drying of coir pith was noticed.

4. The unit has provided only collection tank and not provided ETP to treat the effluent.'

8. On a careful perusal of the impugned order, this Court feels that the stand taken by the petitioner has to be tested only by the 5th respondent since it is factual in nature.

9. In view of the aforesaid submissions and considering the facts and circumstances of the case, this Court passes the following order:

a. The impugned communication dated 20.11.2021 issued by the 5th respondent shall be considered as a show cause notice and the petitioner is directed to give his explanation for this show cause notice within a period of



two weeks from the date of receipt of a copy of this order.

b. the 5th respondent, after receipt of the explanation from the petitioner, shall conduct an enquiry/inspection and take a final decision in accordance with law within a period of two weeks, thereafter; and

c. Depending upon the decision taken by the 5th respondent, the 3rd respondent shall follow the action regarding the electricity connection.

10. With the above observations, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Tiruppur, Tiruppur District.

2.The Sub-Collector,
Kangayam, Tiruppur District.

3.The Executive Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Kangayam, Tiruppur District.

4.The Assistant Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Kangayam, Tiruppur District.

5.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Tiruppur North.

+1cc to Mr.R.Jayaprakash, Advocate SR.No.66750

+1cc to the Government Pleader SR.No.67059

W.P.No.26486 of 2021
and WMP.Nos.27938,
27939 & 27940 of 2021

KSM(CO)
GN(11/01/2022)