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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.29018 of 2019

And

W.M.P.Nos.28792 and 28795 of 2019

M.Umakanthan

... Petitioner

Vs.

1.The District Collector,
Coimbatore District,
Coimbatore.

2.The Tasildhar,
Sulur Taluk,
Coimbatore District.

3.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Coimbatore South,
Plot E-55A, SIDCO Industrial Estate,
Kurichi, Pollachi Main Road,
Coimbatore - 641 021.

4.Mrs.Jothimani

5.The Assistant Director of Geology and Mining,
Coimbatore.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the 2nd respondent proceedings in Mu.Mu.4265/ 2018/A3 dated 09.11.2018 and quash the order dated 09.11.2018.

For Petitioner : Mr.M.Sivavarthanan

For Respondents : Mr.M.R.Gokul Krishnan for R1 and R2
Government Advocate
Mr.V.Ayyadurai, sr. Advocate



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for M/s.Shanmugavalli Santhi for R3
Standing Counsel for TNPC
M/s.Rita Chandrasekar for R4
Mr.P.Muthukumar for R5
State Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari calling for the records of the second respondent proceedings in Mu.Mu.4265/ 2018/A3 dated 09.11.2018 and to quash the order dated 09.11.2018.

2.The case of the petitioner is that the petitioner is running poultry farm since 2015 and is also doing cultivation of crops like chillies, tomato and there are also coconut trees in his lands. The fourth respondent proposed to construct a Stone Crusher Unit and M-Sand Unit under the name and style of M/s.Shri Veerakkumar Blue Metalss nearby his lands which is within 500 meters from the petitioner's poultry farm and the proposed Stone Crusher Unit and M-Sand Unit is blocking the water course in that area and the surrounding area. Hence, the petitioner along with the villagers complained to the third respondent during March, 2018 and the third respondent by reply dated 03.04.2018 informed the petitioner that no permission is granted to construct Stone Crusher Unit and M-Sand Unit.

3.The further case of the petitioner is that the fourth respondent continued the works for putting up the Unit. Hence the petitioner made representation to the third respondent on 18.03.2019 and to the first respondent on 10.04.2019 and the first respondent vide proceedings dated 29.04.2019 informed the petitioner that his representation was forwarded to the third respondent for necessary action. The third respondent vide communication dated 02.05.2019 informed the petitioner that consent to establish Stone Crusher Unit and M-Sand Unit has been given to M/s.Shri Veerakkumar Blue Metalss on 27.02.2019. Thereafter, the petitioner made enquiries and came to know that the second respondent vide proceedings dated 09.11.2018 has granted no objection certificate to the fourth respondent to put up Stone Crusher Unit and M-Sand Unit. Challenging the same, the petitioner has filed this writ petition.

4.The learned counsel appearing for the petitioner would submit that without going into the merits of the case, it would suffice if this Court permits the petitioner to file objection before the Tamil Nadu Pollution Control Board including the objection for the no objection certificate issued by the second respondent for establishment of new stone crusher unit within 500 meters of inhabited area and issue direction to the Tamil



Nadu Pollution Control Board to consider the same and to pass appropriate orders, within a reasonable time frame.

5. The learned counsel appearing for the respondents raise no objection for this Court considering the limited request now made by the learned counsel appearing for the petitioner.

6. In view of the above, this Court permits the petitioner to file objection before the Tamil Nadu Pollution Control Board including the objection for the no objection certificate issued by the second respondent for establishment of new stone crusher unit within 500 meters of inhabited area, within a period of two weeks from the date of receipt of a copy of this order. If any such objection is filed by the petitioner, the Tamil Nadu Pollution Control Board shall consider the same and shall pass appropriate orders, after hearing the petitioner and the fourth respondent, within a period of twelve weeks from the date of receipt of the said objection.

7. The writ petition is accordingly disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Coimbatore District,
Coimbatore.
2. The Tasildhar,
Sulur Taluk,
Coimbatore District.
3. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Coimbatore South,
Plot E-55A, SIDCO Industrial Estate,
Kurichi, Pollachi Main Road,
Coimbatore - 641 021.



4. The Assistant Director of Geology and Mining,
Coimbatore.

+1cc to Mr.Aiyar and Dolia, Advocate, S.R.No.61763

+1cc to Mr.Mr.M.Sivavarthanana, Advocate, S.R.No.61756

(16/02/2022)

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W.M.P.Nos.28792 and
28795 of 2019

PM(CO)
CT 24/01/2022