



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.S.RAMESH

W.P.No.34049 of 2019
and
WMP.No.34649 of 2019

M.Sudevan

...Petitioner

vs.

1. The Commissioner of Corporation,
Coimbatore District.
2. Tamil Nadu Pollution Control Authority,
Coimbatore District.
3. The District Collector,
Coimbatore District.
4. Tamil Nadu information Commission,
No.2, Theagaraya Salai,
Near Aalai Amman Kovil,
Teynampet, Chennai-600 018.

5. Vincent R.Raj

...Respondents

(R5 impleaded as per the order
dated 09.01.2020 in WMP.No.36283/2019)

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the 4th respondent in S.A.7147/Enquiry/C/2017 and S.A.7181/enquiry/C/2017 dated 13.02.2019, quash the same as illegal and as far as petitioner is concerned and consequently direct the 1st respondent to conduct enquiry after giving opportunity to the petitioner and to pass appropriate order within time frame.

For Petitioner : Mr.S.Sivanandam

For Respondents : Mr.K.Magesh
Government Standing Counsel for R1



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Mr.K.Tippusulthan,
Government Advocate for R3

Mr.Niranjan Rajagopalan for R4

M/s.Jayanthi K.Sha &
Mr.V.Shankar for R-5

O R D E R

The petitioner is aggrieved against the order passed by the Tamil Nadu Information Commission dated 13.02.2019, wherein the impleaded respondent has sought for certain information with regard to cancellation of licence of the writ petitioner's grill company.

2. According to the learned counsel for the petitioner, the welding workshop, which is referred to as grill company in the impugned order, was closed at the instance of the order passed by the Tamil Nadu Information Commission.

3. A perusal of the impugned order does not reveal that the petitioner's welding shop was closed pursuant to the impugned order of the fourth respondent dated 13.02.2019. On the other hand, the counter filed by the first respondent / Commissioner of Corporation states that based on the complaint from the neighbourhood, wherein the petitioner was running the welding shop, the Tamil Nadu Pollution Control Board had inspected the premises and found that there was noise pollution, as per its report dated 22.04.2016. It is further claimed by the first respondent Corporation that notices under Sections 44 and 45 of the Tamil Nadu Public Health Act were issued and received by the petitioner on 14.07.2016 and since there was no reply, the Corporation had sealed the petitioner's premises.

4. The learned counsel for the petitioner would submit that they were not in receipt of any such notices under Sections 44 and 45 of the Tamil Nadu Public Health Act. Even otherwise, the learned counsel for the petitioner makes an earnest request that they are willing to go before the first respondent Corporation and substantiate that the welding shop can be permitted to function in the residential area, since the noise pollution was within the permissible decibels.

5. On the grounds raised in the present writ petition, this Court is not satisfied to interfere with the impugned order dated 13.02.2019, since it has already found that sealing of the petitioner's welding shop was not on account of the impugned order. However, in view of the request made by the learned counsel for the petitioner that he may be given an opportunity to go before the first respondent Corporation to substantiate his case, this Court intends to extend a lenient view and give an opportunity to the petitioner to put forth his case before



the first respondent Corporation.

6. In the light of the above observations, the petitioner is granted liberty to approach the first respondent Corporation with a representation ventilating his grievances and on receipt of the same, the first respondent is called upon to consider such representation after giving opportunity of personal hearing to the petitioner. The first respondent shall endeavour to complete such proceedings of consideration of petitioner's representation atleast within a period of three months from the date of receipt of the petitioner's representation.

7. The writ petition stands closed with the above liberty to the petitioner. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

Jvm

To

1. The Commissioner of Corporation,
Coimbatore District.
2. Tamil Nadu Pollution Control Authority,
Coimbatore District.
3. The District Collector,
Coimbatore District.
4. Tamil Nadu information Commission,
No.2, Theagaraya Salai,
Near Aalai Amman Kovil,
Teynampet, Chennai-600 018.

+1cc to Mr.K.Magesh, Advocate, S.R.No.39991/21

+1cc to the Government Pleader, S.R.No.40754/21

W.P.No.34049 of 2019

SMI (CO)
RGA(15/09/2021)