



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.03.2021

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD)No.699 of 2021

and

W.M.P. (MD)No.582 of 2021

M/s.Sri Venkateshwara Crusher,
Rep. by its Proprietor,
Survey Nos.522, 523/1D and 523/2A,
Kombaipatti Village, Nilakkottai Taluk,
Dindigul District.

... Petitioner

Vs.

1.The Tamil Nadu Pollution Control Board,
Rep. by its Member Secretary,
No.76, Mount Road, Guindy,
Chennai - 600 032.

2.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,

Collector Office Campus,
Dindigul - 624 004,
Dindigul District.

3.The Superintending Engineer,
TANGEDCO,
Dindigul Electricity Distribution Circle,
Dindigul District.

4.The Assistant Engineer (O & M),
TANGEDCO,
Batlagundu AE,
Dindigul, Dindigul District.

5.K.Balamurugan ... Respondents
[5th respondent is impleaded vide order dated 24.03.2021,
made in W.M.P. (MD)No.2983 of 2021]

Prayer : Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus, directing the first respondent Tamil Nadu Pollution Control Board to suspend the earlier order passed by it permanently issued under proceedings in Proceeding No.T1/F.010861/OS/DGL/2019/CLOSURE/A-1, dated 07.05.2019 and direct the respondents 3 and 4 to restore the power supply to the petitioner crushing unit permanently.



For Petitioner : Mr.T.Cibi Chakraborty
For R1 and R2 : Mr.C.Kasirajan
Standing Counsel for T.N.P.C.B.
For R5 : Mr.S.Louis

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

The petitioner has come forward to file this Writ Petition challenging the closure order passed for the alleged non-compliance of the directions issued both under the Water (Prevention and Control of Pollution) Act and the Air (Prevention and Control of Pollution) Act.

2.The learned counsel appearing for the petitioner submitted that the petitioner has made substantial compliance.

3.The learned counsel appearing for respondent No.5 submitted that respondent No.5 has to be heard, in view of the earlier order dated 01.09.2020, passed by this Court, on contest, in W.P.(MD) No.8738 of 2020.

4.We cannot conduct any roving enquiry in the matter.

5.In such view of the matter, this Writ Petition stands disposed of, giving liberty to the petitioner to approach the respondent Pollution Control Board. Thereafter, the Pollution Control Board shall pass orders on merits and in accordance with law, within a period of eight weeks after due notice to the petitioner as well as respondent No.5. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

smn2

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The Member Secretary,
Tamil Nadu Pollution Control Board,
No.76, Mount Road, Guindy,
Chennai - 600 032.

2.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Collector Office Campus,
Dindigul - 624 004,
Dindigul District.

3.The Superintending Engineer,
TANGEDCO,
Dindigul Electricity Distribution Circle,
Dindigul District.

4.The Assistant Engineer (O & M),
TANGEDCO,
Batlagundu AE,
Dindigul, Dindigul District.

+1 CC to M/s.T.CIBI CHAKRABORTHY, Advocate (SR-13509[F] dated
25/03/2021)

+1 CC to M/s.S.LOUIS, Advocate (SR-13941[F] dated 26/03/2021)

+1 CC to M/s.C.KASI RAJAN, Advocate (SR-13952[F] dated 26/03/2021)

W.P. (MD) No.699 of 2021

24.03.2021

(CO)

HB(24.04.2021) 3P 8C