



WEB COPY

W.P(MD)No.1187 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P (MD)No.1187 of 2021

and

W.M.P. (MD) .No.5840 of 2021

S.Annamalai

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by,
The Principal Secretary to Government,
Industrial Department,
Fort St.George, Chennai.

2. The District Collector,
Thanjavur,
Thanjavur District.

3.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Plot No.23, T.S.No.3303.01,
SIDCO Industrial Complex,
Nanjikottai Salai, Opp. Ulavarsanthai,
Thanjavur District.

4.The Block Development Officer,
Panchayat Union,
Thanjavur,
Thanjavur District.

5. The President,
Nanjikottai Village Panchayat,
Thanjavur District,
Thanjavur District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 5th respondent dated 08.12.2020 and quash the same and further directing the respondents 2 to 4 to give permission to the petitioner for running Tyre Retreading in the name and style of Annamalaiyar Tyre Retreading Company by considering the petitioner's representation dated 11.01.2021.

For Petitioner : Mr.R.Balakrishnan
For Respondents 1 & 2: Mr.B.Bhagawathi
Government Advocate

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



For Respondent No.3 : Mr.C.Kasirajan
For Respondents 4 & 5 : Mr.M.Pandiarajan

ORDER

This writ petition has been filed challenging the impugned order passed by the fifth respondent dated 08.12.2020 directing the petitioner to stop the operations of running the Tyre Retreading unit.

2. The case of the petitioner is that he wanted to establish a Tyre Retreading unit and hence he approached the third respondent during November, 2020 and sought for permission. In the meantime, the petitioner also registered the unit as a Micro Industrial Company and a certificate was also given to him by the concerned Department dated 09.07.2020.

3. The petitioner started operating the Tyre Retreading unit and the fifth respondent through the impugned order dated 08.12.2020 directed the petitioner to stop the operation on the ground that the petitioner is running the unit without obtaining proper permission from the local authority and from the Pollution Control Board. Aggrieved by the same, the present writ petition has been filed before this Court.

4. Heard Mr.R.Balakrishnan, learned counsel appearing for the petitioner, Mr.B.Bhagawathi, learned Government Advocate appearing for the respondents 1 & 2, Mr.C.Kasirajan, learned counsel appearing for the third respondent and Mr.M.Pandiarajan, learned counsel appearing for the respondents 4 & 5.

5. The affidavit filed in support of the writ petition as well as the typeset of papers does not anyway reflect the fact as to whether the petitioner had actually received the permission from the local authority and from the Pollution Control Board. The petitioner wants to run a Tyre Retreading unit. For the purpose of running this unit, the petitioner has to get the consent to establish and consent to operate from the third respondent. The third respondent, only after the submission of the application by the petitioner, will decide whether this unit will fall under the green category without boiler or orange category with boiler. Only thereafter a decision can be taken by the third respondent. Admittedly, this process has not been undertaken by the petitioner. That apart, the petitioner has to necessarily get the permission from the local authority before establishing and running the unit and the same has also not been done by the petitioner.

6. In view of the above, this Court does not find any ground to interfere with the impugned order passed by the fifth respondent. The petitioner has to get the formal permission from the local authority and also the third respondent before establishing the unit



and starting the operations. In the absence of the same, the petitioner cannot proceed further to run the unit since it has an environmental impact. There are absolutely no grounds to interfere with the impugned order passed by the fifth respondent.

7. In the result, this writ petition is dismissed. No Costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (crl.side)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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.

PJL

To

1.The Principal Secretary to Government,
State of Tamil Nadu,
Industrial Department,
Fort St.George, Chennai.

2. The District Collector,
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Thanjavur,
Thanjavur District.



5. The President,
Nanjikottai Village Panchayat,
Thanjavur District,
Thanjavur District.

+1 CC to M/s.SPL GP (SR-15625[F] dated 09/04/2021(SR-15626[F]
dated 09/04/2021)

+1 CC to M/s.C.KASIRAJAN, Advocate (SR-15663[F] dated 09/04/2021)

+1 CC to M/s.R.BALAKRISHNAN, Advocate (SR-15724[F] dated 09/04/2021
)

**W.P (MD) No.1187 of 2021
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GS (18.05.2021) 4P 9C