



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2021

CORAM:

**THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MRS. JUSTICE S.ANANTHI**

W.P. (MD)No.1653 of 2020

and

WMP(MD) No.1385 of 2020

(Through Video Conferencing)

P.Paulraj : Petitioner
Vs.

- 1.The State of Tamilnadu
Rep. by its Principal Secretary
Department of Health and Family Welfare,
Fort St. George, Chennai - 600 009.
- 2.The Principal Secretary / Chairman
Tamil Nadu Pollution Control Board,
No.70 Mount Salai
Guindy
Chennai.32
- 3.The Regional Director,
South East Coastal Region,
Central Ground Water Board,
E-Wing, G-Block
Rajaji Bhawan, Besant Nagar,
Chennai - 600 090.
- 4.The Chief Engineer,
State Ground and Surface Water Resources Department
Tharamani
Chennai.
- 5.Hill Area Conservation Authority (HACA)
Rep. by its Member Secretary
Directorate of Town and Country Planning,
807 Anna Salai
Chennai 600 002.
- 6.The District Collector
Nagercoil,
Kanyakumari District.



7.The Deputy Director of Health Services,
Department of Health and Family Welfare,
Nagercoil, Kanyakumari District.

8.The District Environmental Engineer
Tamil Nadu Pollution Control Board,
Nagercoil, Kanyakumari District.

9.The Revenue Divisional Officer,
RDO Office,
Thuckalay
Kanyakumari District.

10.The Executive Officer,
Karungal Selection Grade Town Panchayat,
Kanyakumari District.

11.T.Subash : Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus to direct the respondents to forbear from permitting or establishing any Ice Plants in the Lands in R.S.No.320/19 Mangalakuntru Village, Karungal Town Panchayat, Kanyakumari District, by considering the petitioner's representation dated 09.11.2019.

For Petitioner : Mr.Isaac Mohanlal
Senior counsel for
M/s.Isaac Chambers

For Respondents : Mr.K.P.Krishnadoss
Special Government Pleader
for RR1, 2, 4 to7 and R9&R10

Mr.C.Kasirajan, Standing Counsel
for TNPCB - for R8
Mr.S.Jeyasingh for R3

Ms.A.Rajini for R11

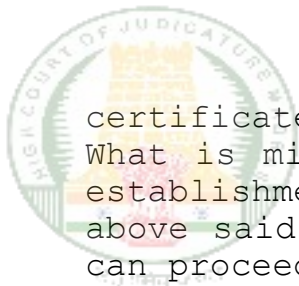
ORDER

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

This Public Interest Litigation has been filed on the premise that the proposed industry to be started by the respondent No.11 is likely to cause pollution.

2.In the counter affidavit filed by the respondent No.11, the respondent No.11 has stated the particulars of license/no objection

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



certificate obtained for the proposed Unit from various authorities. What is missing is the permission from the local body and for the establishment of machineries and the consent to operate. If the above said two compliance are completed by the respondent No.11, he can proceed further to run the Unit.

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3. In view of the submission made by the learned counsel for the respondent No.11, as consent to operate could not be considered in a Public Interest Litigation filed, we direct the respondent No.8 to pass appropriate orders on the same within four weeks from the date of receipt of a copy of this order. Needless to state that until the aforesaid compliance is made, no full-fledged operation shall take place.

4. The writ petition stands disposed of accordingly. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(RTI)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RR

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.

To

1.The Principal Secretary
Department of Health and Family Welfare,
Fort St. George, Chennai - 600 009.

2.The Principal Secretary / Chairman
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No.70 Mount Salai
Guindy, Chennai.32

3.The Regional Director,
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Central Ground Water Board,
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Chennai - 600 090.



4.The Chief Engineer,
State Ground and Surface Water Resources Department
Tharamani, Chennai - 600 113.

5.The Member Secretary,
Hill Area Conservation Authority (HACA)
Directorate of Town and Country Planning,
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6.The District Collector
Nagercoil, Kanyakumari District.

7.The Deputy Director of Health Services,
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RDO Office, Thuckalay
Kanyakumari District.

10.The Executive Officer,
Karungal Selection Grade Town Panchayat,
Kanyakumari District.

+1 CC to M/s.S.JEYASINGH, Advocate (SR-12230[F] dated 18/03/2021)

+1 CC to M/s.SPL GP (SR-12502[F] dated 19/03/2021)

+1 CC to M/s.D.SHANUMUGARAJA SETHUPATHI, Advocate (SR-12456[F]
dated 19/03/2021)

+1 CC to M/s.C.KASIRAJAN, Advocate (SR-12582[F] dated 19/03/2021)

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-12612[F] dated 19/03/2021
)

Order made in
W.P. (MD)No.1653 of 2020
Dated: 18.03.2021

SE(CO)
TR(28.04.2021) 4P 16C