



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. [MD]No.7209 of 2021

and

W.M.P. [MD]Nos.5505 to 5507 of 2021

M.Malaikumar

... Petitioner

Vs.

1.The District Collector,
Virudhunagar,
Virudhunagar District.

2.The Chairman,
Tamil Nadu Pollution Control Board,
Virudhunagar,
Virudhunagar District.

3.The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Virudhunagar Electricity Distribution Circle,
No.65/1, Ramamoorthy Road,
Virudhunagar - 626 001.

4.The Assistant Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Pariapatti Section,
Sivakasi,
Virudhunagar District - 626 128.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the second respondent in his proceedings No.Nil dated 22.03.2021 and quash the same as illegal and consequently direct the fourth respondent to restore the power supply to M/s. Susila & Co. (Malaikumar Plastic Bags), Door No.198, Murugan Colony, P.K.N. Road, Sivakasi East, in Electricity Service No.07237008284.



For Petitioner : Mr.J.Jeyakumaran
For Respondent 1 : Mr.N.Shanmuga Selvam,
Additional Government Pleader
For Respondent No.2 : Mr.Bageeratham
For Respondents No.3 & 4 : Mrs.S.Srimathy

WEB COPY

O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

With the consent on either side, the Writ Petition itself is taken up for final disposal.

2.Heard Mr.J.Jeyakumaran, learned Counsel appearing for the petitioner, Mr.N.Shanmuga Selvam, learned Additional Government Pleader appearing for the first respondent and Mr.Bageeratham, learned Counsel appearing for the second respondent and Mrs.Srimathy, learned Counsel appearing for the respondents R3 & R4.

3.The petitioner has filed this Writ Petition challenging an order passed by the Tamil Nadu Pollution Control Board, directing the closure of the petitioner's industry as well as disconnection of electricity connection. The closure has been done on two grounds namely, that the petitioner has been manufacturing plastic items which are banned. Secondly, the petitioner has been discharging effluent which is causing damage to the environment.

4.The learned Counsel for the respondent Tamil Nadu Pollution Control Board, would submit that the petitioner did not obtain any order of consent to establish the unit nor consent to operate the unit and the closure is justifiable.

5.According to the petitioner, as submitted by the learned Counsel for the petitioner, the petitioner does not discharge any effluent and he is not also manufacturing any banned plastic items and if it is so, the banned items would have been seized by the authorities on the date of inspection, which has not happened.

6.In any event, an order of consent is required to be obtained, be it a small scale industry or a medium scale industry. Therefore, the petitioner should obtain a grant of consent. Regarding electricity supply, we direct the respondents to restore the electricity connection within a period of 15 days from the date of receipt of a copy of this order, to enable the petitioner to keep the unit operational and after applying for grant of consent, the authorities of the Pollution Control Board can



imposed for grant of consent or otherwise. We make it clear that the restoration of the electricity is ordered to facilitate the inspection to be done by the Pollution Control Board. The petitioner is directed to submit the application for grant of consent within a period of three [3] days from the date of receipt of a copy of this order and then inspection to be conducted within a period of one [1] week, thereafter.

7. With the above direction, the Writ Petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(P & A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MR

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 District Collector,
Virudhunagar,
Virudhunagar District.
2. The Chairman,
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3. The Superintending Engineer,
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4. The Assistant Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Pariapatti Section,
Sivakasi, Virudhunagar District - 626 128.



+1 CC to M/s.J.JEYAKUMARAN, Advocate (SR-16794[F] dated 21/04/2021)

+1 CC to M/s.C.KASIRAJAN, Advocate (SR-17102[F] dated 22/04/2021)

+1 CC to M/s.SPL GP (SR-17171[F] dated 22/04/2021)

ORDER MADE IN
W.P. [MD]No.7209 of 2021
21.04.2021

AC (CO)

TR(23.04.2021) 4P 8C