



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.04.2021

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD)No.7237 of 2021
and W.M.P. (MD) No.5530 of 2021

S.Jesiah

... Petitioner

Vs.

- 1.The Tamil Nadu Pollution Control Board,
Rep. by its Chairman,
Chennai.
- 2.The District Collector,
Kanyakumari,
At Nagercoil.
- 3.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Nagercoil,
No.318/46A, Water Tank Road,
Nagercoil,
Kanyakumari District - 629 001.
- 4.The Section Engineer (Operation & Management),
TANGEDCO,
Kanyakumari,
Kanyakumari District - 629 702.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 02.03.2021, seeking 3 months to comply the formalities for regularization of the ice plant in the name and style of 'JESIAH ICE PLANT' situated at R.S.No.628/13, Kanyakumari Village, Kanyakumari District within the time frame that may be fixed by this Hon'ble Court.

For Petitioner	:	Mr.S.C.Herold Singh
For Respondent Nos.1 & 3	:	Mr.S.Bageerathan Standing Counsel
For Respondent No.2	:	Mr.K.Mu.Muthu Additional Government Pleader
For Respondent No.3	:	Mr.S.M.S.Johny Basha Standing Counsel

**ORDER**

(Order of the Court was made by T. S. SIVAGNANAM, J.)

The writ petitioner has sought for issuance of a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 02.03.2021, seeking three months time to comply the formalities for regularization of the ice plant in the name and style of 'JESIAH ICE PLANT' situated at R.S.No.628/13, Kanyakumari Village, Kanyakumari District within a time frame.

2.Heard Mr.S.C.Herold Singh, learned counsel for the petitioner, Mr.S.Bageerathan, learned Standing Counsel appearing for respondent Nos.1 and 3, Mr.K.Mu.Muthu, learned Additional Government Pleader appearing for respondent No.2 and Mr.S.M.S.Johny Basha, learned Standing Counsel appearing for respondent No.3.

3.The petitioner is running a ice plant, which is directed to be closed on the ground that the pollution control board norms have been violated. The petitioner has submitted a representation dated 02.03.2021, stating that they are having the ice plant for several decades and if there is any violation, they are ready and willing to comply with the conditions that may be imposed by the Pollution Control Board. In the meantime, there was a direction to disconnect the electricity connection. Therefore, the Writ Petition has been filed and it was entertained, an order to maintain status-quo as on 30.03.2021 was granted and the ice plant is functioning.

4.In the light of the above, we direct the concerned authority, who is having jurisdiction over the ice plant of the petitioner, to consider his representation dated 02.03.2021 and inform the petitioner as to what are the norms he has to comply with and after giving sufficient opportunity to the petitioner, shall inspect the ice plant and pass appropriate orders on merits and in accordance with law. Till then, the order of status quo granted on 30.03.2021 shall continue. The Pollution Control Board shall comply with the directions within five months from the date of receipt of a copy of this order.

5.The Writ Petition is disposed of with the above directions. Consequently, connected Miscellaneous Petition is closed. No costs.

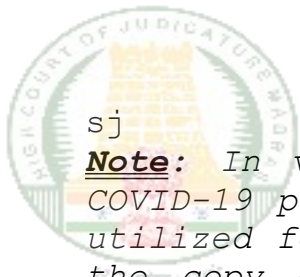
Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



sj

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,
Kanyakumar,
At Nagercoil.

+1 CC to M/s.SPL GP (SR-16694[F] dated 20/04/2021)

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-16427[F] dated 19/04/2021)

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17.04.2021

RK(25.05.2021) 3P 4C