



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD)No.8229 of 2021
and W.M.P. (MD) No.6223 of 2021
(Through Video Conferencing)

Selva Mary

...Petitioner

Vs.

1.The Tamil Nadu Pollution Control Board,
Rep. by its Chairman,
No.76 Anna Salai, Chennai.

2.The District Collector
Kanyakumari District
At Nagercoil.

3.The District Environmental Engineer,
Kanyakumari District
At Nagercoil.

4.The President,
Kattimancode Panchayat,
Kanyakumari District

5.C.Suyambulingam

6.The Block Development Officer,
Kurunthancode Panchayat Union,
Kurunthancode
Kanyakumari District

...Respondents

(R6 has been *suo motu* impleaded as
respondent vide order of this Court
dated 21.04.2021)

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the official respondents to take appropriate action against the 5th respondent and to stop illegal wood industry run in the name and style of "SLS Wood Works" without obtaining proper permission from the authority concern by considering the representation of the petitioner dated 26.11.2018.



For Petitioner
For Respondents
2 to 4 & 6
For R1

:Mr.S.C.Herold Singh
:Mr.K.P.Narayanakumar
Special Government Pleader
:Rajagopalan

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ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the respondents to stop the illegal wood industry that is being run by the 5th respondent based on the representation made by the petitioner on 26.11.2018.

2. The case of the petitioner is that the 5th respondent without obtaining any permission has started running an illegal wood factory. Activities that are conducted in this factory like sawing, polishing etc., is causing lot of pollution in and around the area. The petitioner, therefore, made a representation before the first respondent. The first respondent, through a letter dated 27.12.2018 directed the impleaded 6th respondent to immediately take action and inform the follow up action.

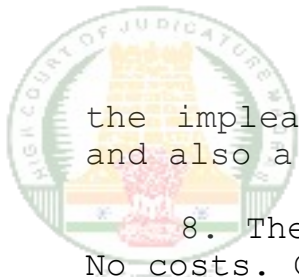
3. This letter issued by the first respondent did not evoke any response. Therefore, the petitioner made yet another representation to the third respondent. The third respondent, through letter dated 03.10.2019, once again directed the impleaded 6th respondent to immediately take action and report before the concerned authority.

4. The grievance of the petitioner is that till date, no action has been taken against the 5th respondent and the 5th respondent continues to run the wood factory causing a lot of pollution in and around the area. Left with no other option, the present writ petition has been filed seeking for appropriate directions.

5. Heard Mr.S.C.Herold Singh, learned counsel for the petitioner and Mr.Rajagopalan, learned counsel for the first respondent and Mr.K.P.Narayanakumar, learned Special Government Pleader, appearing on behalf of the respondents 2 to 4 and 6.

6. Taking into consideration the facts and circumstances of the case and also taking into consideration the letter that was issued by the first respondent and the third respondent to the impleaded 6th respondent to take action, there shall be a direction to the impleaded 6th respondent to immediately act on the directions issued by the first respondent Pollution Control Board and take action within four weeks from the date of receipt of a copy of this order. The impleaded 6th respondent shall afford an opportunity to the petitioner and the other respondents of the locality and also to the 5th respondent before taking action.

7. The petitioner is directed to make a fresh representation to



the impleaded 6th respondent along with all the relevant documents and also a copy of this order.

8. The writ petition is disposed of with the above directions. No costs. Consequently connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar (CS I)

// 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.

To:

- 1.The Chairman, Tamil Nadu Pollution Control Board,
No.76 Anna Salai, Chennai.
 - 2.The District Collector
Kanyakumari District, At Nagercoil.
 - 3.The District Environmental Engineer,
Kanyakumari District, At Nagercoil.
 - 4.The President, Kattimancode Panchayat,
Kanyakumari District.
 - 5.The Block Development Officer,
Kurnthancode Panchayat Union, Kurunthancode,
Kanyakumari District.
- +1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-16992[F] dated 22/04/2021)

+1 CC to M/s.SPL GP (SR-17370[F] dated 23/04/2021)

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