



WEB COPY

W.P.(MD)No.8677 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.04.2021**

CORAM

THE HON'BLE MR.JUSTICE T. S. SIVAGNANAM

and

THE HON'BLE MRS.JUSTICE S.ANANTHI

W.P. (MD)No.8677 of 2021

and W.M.P. (MD)No.6547 of 2021

R.Deeban

...Petitioner

-Vs-

1.Tamil Nadu Pollution Control Board,
Rep. By its Chairman,
76, Mount Salai, Guindy,
Chennai - 600 032.

2.The District Pollution Control Officer,
Madurai District,
Kappalur,
Madurai - 625 008.

3.The District Collector,
Madurai District,
Madurai - 625 020.

4.The Commissioner,
Corporation of Madurai,
Arignar Anna Maaligai,
Madurai - 625 020.

5.Mr.Mohamed Rafi

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a writ of Mandamus, directing the respondents 1 to 4 to take appropriate action against the 5th respondent and forbear him from burning the waste materials containing hazardous chemicals which causes serious health issues to the resident public without establishing safe measures as stipulated by the Pollution control authorities by considering the petitioner's written representation dated 24.03.2021 in accordance with law.

For Petitioner : Mr.A.Kannan

For Respondents : Mr.S.Bageerathan,
Standing Counsel for R1 & R2
Mr.N.Shanmugaselvan,
Addl. Govt. Pleader for R3
Mr.R.Murali for R4



ORDER

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

The petitioner by this Writ Petition, styled as a Public Interest Litigation, has sought for a direction upon the respondents 1 to 4, to take appropriate action against the fifth respondent, who is a scrap dealer and it is alleged that there is burning of waste materials being done, lot of noise is generated and noxious fumes are emitting and hence, the residents are unable to reside in their respective houses.

2. Heard Mr.A.Kannan, learned counsel appearing for the petitioner, Mr.S.Bageerathan, learned Standing Counsel appearing for respondents 1 and 2, Mr.N.Shanmugaselvan, learned Additional Government Pleader appearing for the third respondent and Mr.R.Murali, learned counsel appearing for the fourth respondent.

3. The learned Standing Counsel appearing for the fourth respondent submitted that the fifth respondent's address is not known, but no such business is being carried on in S.F. No.23, Sekkilar Street, Bi-Bi-Kulam. But the authority find out the place, where the fifth respondent is operating the scrapyard.

4. It appears that no permission has been obtained from the Corporation nor any consent has been obtained from the Pollution Control Board for treating this scrap or processing this scrap materials. Therefore, we direct the officials of the Pollution Control Board and the Commissioner of Corporation Madurai, to conduct a surprise inspection on the fifth respondent's premises and take stringent action in accordance with law, in case violation is found and this direction be complied with within four days from today.

5. This Writ Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CSIII)

// 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

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4.The Commissioner,
Corporation of Madurai,
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Madurai - 625 002.

+1 CC to M/s.S.BAGEERATHAN, Advocate (SR-17879[F] dated
28/04/2021)

W.P. (MD)No.8677 of 2021
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GS (29.04.2021) 3P 6C