



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WEB COPY

W.P. (MD)No.10799 of 2021

and WMP(MD) Nos.8431 and 8434 of 2021

(Through Video Conferencing)

Y.Walsalam

... Petitioner

Vs.

1.The Executive Officer,
Thiruvattar Town Panchayat,
Thiruvattar
Kanyakumari District.

2.A.Paldhas

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to quash the impugned order passed by the 1st respondent in Na.Ka.no.745/2019/A2 dated 17.06.2021.

For Petitioner :Mr.G.Cenil

For Respondents :Mr.M.Lingadurai for R1
Government Advocate

ORDER

This writ petition has been filed challenging the impugned order passed by the first respondent through proceedings dated 17.06.2021, wherein, the petitioner has been directed to close down the Unit that is being run by the petitioner.

2.The case of the petitioner is that he is running a Small Scale Unit for more than 32 years, wherein, the activity involved using fire wood for drying the processed latex. According to the petitioner, the rubber board was helping the petitioner to carry on with the activity.

3.The grievance of the petitioner is that the first respondent, all of a sudden, issued the impugned order directing the petitioner to close down the Unit. Aggrieved by the same, the present writ petition has been filed before this Court.

4. Heard the learned counsel for the petitioner and the learned Government Advocate appearing on behalf of the respondent No.1.



5. It is seen from the records that the petitioner is carrying on with a small Unit, which uses fire wood for drying the processed latex. Admittedly, the petitioner has not got any permission from the local authority or from the Pollution Control Board. Complaints were received from the residents belonging to the locality on the ground that the petitioner is causing pollution in the locality and thereby there is a health hazard for persons residing in the locality.

6. The first respondent before issuing the impugned order had also verified with the Tamil Nadu Pollution Control Board and found that the petitioner did not get any permission from the Board. An inspection was also conducted in the Unit on 16.07.2020. Therefore, the first respondent directed the petitioner to close down the Unit. Since the petitioner did not close down the Unit, the impugned order was passed by the first respondent directing the petitioner to close down the Unit within a period of three days. Aggrieved by the same, the present writ petition has been filed before this Court.

7. This Court does not find any illegality in the impugned order passed by the first respondent. Neither in the affidavit filed in support of the writ petition nor in the documents filed along with the writ petition, there is any indication as to whether the petitioner is running the Unit by getting the permission/sanction of any authority. Just because the petitioner has been running the Unit for a long time, that does not give any vested right to the petitioner to continue to do the business without proper sanction or permission. This is more so since the residents of the locality have complained to the first respondent stating that the petitioner is causing pollution.

8. In view of the above discussion, this Court is not inclined to interfere with the impugned order passed by the first respondent. If at all the petitioner wants to continue with the Unit, the petitioner shall approach the appropriate authority and get permission/sanction and thereafter continue to run the Unit. Till then, the order passed by the first respondent cannot be interfered with.

9. The writ petition is accordingly dismissed. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS III)

// 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

The Executive Officer,
Thiruvattar Town Panchayat,
Thiruvattar
Kanyakumari District.

+1 CC to M/s.SPL GP (SR-20901[F] dated 01/07/2021)

W.P. (MD)No.10799 of 2021

30.06.2021

AS (05.07.2021) 3P 3C