



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.10.2021

CORAM

**THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

W.P. (MD)No.18261 of 2021

and

WMP (MD) Nos.15090 and 15091 of 2021

WEB COPY

Mohamed Rabi

... Petitioner

Vs.

1. The Chairman,  
Tamil Nadu Pollution Control Board,  
No.76, Mount Salai, Guindy,  
Chennai - 600 032.
2. The Joint Chief Environmental Engineer,  
(Madurai Region),  
Tamil Nadu Pollution Control Board,  
SIDCO Industrial Estate, Kappalur,  
Tirumangalam Taluk,  
Madurai District.
3. The District Environmental Engineer (DEE),  
Tamil Nadu Pollution Control Board,  
SIDCO Industrial Estate,  
Kappalur.
4. The District Collector,  
Office of the Collectorate Building,  
Madurai.
5. The Commissioner,  
Office of the Madurai Corporation, Anna Maligai, Madurai.
6. The Superintending Engineer,  
(Distribution), TANGEDCO,  
Madurai Electricity Distribution Circle,  
K.Pudur, Madurai.
7. The Assistant Engineer,  
TANGEDCO,  
Chokkikulam, No.5,  
Singarayar Colony,  
North Street, Madurai.

... Respondents

**Prayer:** Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the first



respondent in his proceedings No.T1/TNPCB/F.017203/e-waste/MDU/2021-1 dated 22.09.2021 and quash the same consequently directing the respondents 1 to 5 to grant approval and permission to run the business name and style as M/s.Al-Ameen Traders, located at 28-A, Rathakrishnan Street, Chellaiah Colony, Chokkanathapuram, Madurai.

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For Petitioner : Mr.D.S.Haroon Rasheed

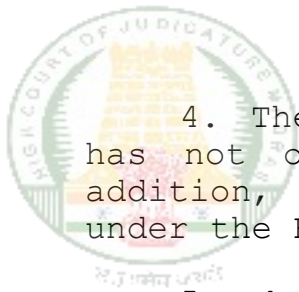
For Respondents : Mr.P.Subbaraj,  
Counsel for the State for R1 to R4  
Mr.P.Athimoolapandian, for R5  
Ms.M.Rajeswari,  
for Mr.S.M.S.Johnny Basha  
for R6 and R7

### **O R D E R**

The petitioner challenges an order of the first respondent dated 22.09.2021 and consequently seeks approval and permission to run the business under the name and style of M/s.Al-Ameen Traders at 28-A, Rathakrishnan Street, Chellaiah Colony, Chokkanathapuram, Madurai.

2. The petitioner states that he has been carrying on business in the above mentioned location and participated in the electricity scrap tenders of the Tamil Nadu Electricity Board for the past ten years. A neighbouring house owner, namely, Deepan, instituted proceedings before this Hon'ble Court in W.P(MD).No.8677 of 2021 dated 28.04.2021. Based on his complaint, it is stated that the Division Bench of this Court directed the officials of the Tamil Nadu Pollution Control Board to undertake a surprise inspection of the premises of the petitioner and take stringent action. Pursuant thereto, it is stated that the show-cause notice dated 03.05.2021 was issued and such notice was replied to on 09.07.2021. According to the petitioner, the impugned order was issued without duly taking into consideration the reply of the petitioner. The petitioner also points out that he has requested for consent under the Air (Prevention and Control of Pollution) Act, 1981 (in short "the Air Act") and the Water (Prevention and Control of Pollution) Act, 1974 (in short "the Water Act"). The petitioner points out that the electricity service connection was disconnected on 23.09.2021 and, therefore, the petitioner is unable to run his business.

3. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of respondents 1 to 4 and Mr.P.Athimoolapandian, learned Standing Counsel, accepts notice on behalf of the fifth respondent. Mr.Athimoolapandian points out that the petitioner should approach the jurisdictional National Green Tribunal and that an appellate remedy is provided for both under the Water Act and Air Act. Therefore, he submits that the writ petition is not maintainable.



4. The impugned order dated 22.09.2021 records that the unit has not obtained consent under the Water Act and Air Act. In addition, it records that the unit has not obtained authorisation under the E-Waste Management Rules, 2016.

5. The National Green Tribunal Act confers jurisdiction on the National Green Tribunal in respect of disputes arising out of the legislations specified in the schedule thereto. The Air Act and the Water Act form part of such schedule. Although the impugned order is a composite order and, therefore, it could be contended that a writ petition is maintainable, in light of the failure of the petitioner to obtain consent under the Water Act and Air Act, no interference is warranted with the impugned order.

6. However, the petitioner has submitted a representation seeking consent under the aforesaid enactments. Such representation does not appear to be in the format prescribed under the relevant legislations. Therefore, in the interest of justice, the petitioner is permitted to submit fresh application in the prescribed format for consent under the Air Act and Water Act. If such applications are submitted by enclosing all relevant documents, the Tamil Nadu Pollution Control Board should consider and dispose of the same expeditiously.

7. Accordingly, without recording any findings on the merits of the matter, the petitioner is permitted to apply for consent under the Air Act and Water Act by submitting the requisite applications enclosing the relevant documents. Such application shall be submitted within a period of one week from the date of receipt of a copy of this order. Upon receipt thereof, the respondents 1 to 3 are directed to consider the said applications and dispose of the same by a reasoned communication within a period of two weeks from the date of receipt of such applications.

8. W.P.(MD).No.18261 of 2021 is disposed of on these terms by leaving it open to the petitioner to also approach the jurisdictional National Green Tribunal in accordance with law. There will be no order as to costs. Consequently, connected WMP(MD) Nos.15090 and 15091 of 2021 are closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1. The Chairman,  
Tamil Nadu Pollution Control Board,  
No.76, Mount Salai, Guindy,  
Chennai - 600 032.
2. The Joint Chief Environmental Engineer,  
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3. The District Environmental Engineer (DEE),  
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4. The District Collector,  
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7. The Assistant Engineer,  
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Singarayar Colony,  
North Street, Madurai.

+1 CC to M/s.SPL.GP ( SR-31940[F] dated 11/10/2021 )

W.P. (MD)No.18261 of 2021

08.10.2021

MGJ(25.10.2021) 4P 9C