



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2022

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.No.3226 of 2022

K.David Johnson

... Petitioner

Vs.

- 1.The Commissioner,
Kundrathur Town Panchayat,
Chennai - 600 069.
 - 2.The Commissioner,
St.Thomasmount Panchayat Union,
Chitlapakkam Main Road, Chitlapakkam,
Chennai - 600 064.
 - 3.The Assistant Engineer,
O & M/Town/Kundrathur, CEDC South - 1,
Chennai - 600 069.
 - 4.The Member Secretary,
Chennai Metropolitan Development Authority,
"Thalamuth Natarajan Building,
No.1, Gandhi Irwin Road, Egmore, Chennai - 600 008.
 - 5.The District Environmental Engineer (FAC),
Tamilnadu Pollution Control Board,
Maraimalai Adigalar Street, Maraimalai Nagar,
Kancheepuram District - 603 209.
 - 6.The Inspector of Police,
Kundrathur Police Station,
Kancheepuram District.
 - 7.The President,
Sri Mahalakshmi Nagar Industrial Association,
No.21, Sri Mahalakshmi Co-operative Nagar,
Kundrathur, Chennai - 600 069.
- ... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus, directing the



Respondent 1 to 6 to forthwith close the Industrial / factory / company run by the 7th respondent at Plot No. 5A (V), 5B (V), 6 (VI), 19, 21 (XXI), 24 (XXIV), 28, 33, 34, 43, 54, 59, 64, 65, 68, 79, 80, 82, 85, 100, 101, 65, 62 and 86, Sri Mahalakshmi Co Op Nagar, Kundrathur, Chennai- 600 069 in the residential area and consequently direct the respondents 1 to 6 not to use the residential zone in future for any other industrial purpose.

For Petitioner : Mr.S.Ezhilraj

For R1 : Mr.P.Srinivas

For RR2 & 3 : Mr.B.Tamilnidhi,
Additional Government Pleader

For R4 : Ms.P.Veena Suresh
Standing Counsel

For R5 : Ms.Shanmugavalli Sekar
Standing Counsel

For R7 : Mr.G.Mohana Krishnan

ORDER

The petitioner has filed this writ petition for issuance of a Writ of Mandamus, to direct the respondents 1 to 6 to forthwith close the Industrial / factory / company run by the 7th respondent at Plot No. 5A (V), 5B (V), 6 (VI), 19, 21 (XXI), 24 (XXIV), 28, 33, 34, 43, 54, 59, 64, 65, 68, 79, 80, 82, 85, 100, 101, 65, 62 and 86, Sri Mahalakshmi Co Op Nagar, Kundrathur, Chennai- 600 069 in the residential area and consequently direct the respondents 1 to 6 not to use the residential zone in future for any other industrial purpose.

2.It is the case of the petitioner that the petitioner has purchased the property in the year 2011 under the sale deed dated 18.02.2011. It is submitted that the property cited above is located in residential layout and therefore industrial units numbering in 28 ought not to have been permitted. Further it is submitted that these units are polluting the environment and that no permission was obtained from any of the statutory authorities by the seventh respondent.

3.The learned counsel for the fifth respondent (District Environmental Engineer (FAC), Tamilnadu Pollution Control Board) has filed a communication sent to the fourth respondent dated 11.06.2022 bearing Letter No.F.No.SPR00697/ DEE / TNPCB / SPR / Court case /2022, wherein it has been stated that these 28



industries are carrying activities such as fabrication, assembling, machining for job work of automobile, general engineering and medical equipment in the residential which are comes under white category as per the revised categorization issued by the TNPCB vide TNPCB BP. No.06 dated 02.08.2016 and there is no trade effluent and no process emission is generated from these cottage industries and hence, there is no merit in this writ petition.

4.The above submission made by the learned counsel for the fifth respondent by referring to Letter dated 11.06.2022 bearing Letter No.F.No.SPR00697/ DEE / TNPCB / SPR / Court case /2022 stands recorded. Therefore, no further orders are required to be passed in the Writ Petition. However, it is for the petitioner to agitate and work out his remedy by invoking the various environment protection laws in force before appropriate forum.

5.Therefore, without expressing any opinion on merits of the case, the Writ Petition stands closed, giving liberty to the petitioner to approach the National Green Tribunal or the other appropriate authorities which are concerned with the protection of the environment including noise pollution, by filing proper applications. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mtl

To

- 1.The Commissioner,
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Chennai - 600 069.
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Maraimalai Adigalar Street, Maraimalai Nagar,
Kancheepuram District - 603 209.

6.The Inspector of Police,
Kundrathur Police Station,
Kancheepuram District.

+1cc to Mr.G.Mohanakrishnan, Advocate, S.R.No.34672
+1cc to Mr.Shanmugavalli Sekar, Advocate, S.R.No.34965
+1cc to Mr.P.Veena Suresh, Advocate, S.R.No.35487
+1cc to the Government Pleader, S.R.No.35331

W.P.No.3226 of 2022

SJ(CO)
SB(24/06/2022)