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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2022

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Contempt Petition No.105 of 2022

M/s.Ideal Fibers,
Represented by its Partner,
M.K.Awrangazip,
No.248/1, Ponparappi Olapayam Road,
Veracholapuram Post,
Kangeyam Taluk,
Tiruppur.

Petitioner

vs.

1.Mr.Anand Mohan, IAS.,
The Sub-Collector,
Dharapuram,
Tiruppur District.

2.Dr.M.Rajamani, B.E.,
The Executive Engineer,
TANGEDCO,
Palladam,
Tiruppur District.

3.Tamil Nadu Pollution Control Board,
Rep. by its Member Secretary,
Anna Salai,
Chennai.

4.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Tiruppur (North).

Respondents

PRAYER : Petition filed under Section 11 of the Contempt of Courts Act,
to punish the respondents for willful disobedience of the order passed by



For Petitioner : Mr.R.Jayaprakash

For Respondents : Mr.T.K.Saravanan
Government Advocate for R1

Mrs. Shanmugavalli Sekar
Standing Counsel for R3

ORDER

This contempt petition was filed on the ground that the order passed by this Court in the writ petition on 28.09.2021 was not complied with by the 1st and 2nd respondents.

2.When the matter was taken up for hearing on 29.03.2022, this Court passed the following order:

It is brought to the notice of this Court that the Inspection Report of the Tamil Nadu Pollution Control Board dated 17.09.2021 was taken into consideration and the District Co-ordination Committee headed by its Chairman viz., The District Collector, Tiruppur District had issued a letter dated 22.09.2021 to the TANGEDCO to disconnect the power supply of the defaulting unit.

2.In view of the same, the Tamil Nadu Pollution Control Board, represented by its Member Secretary, Anna Salai, Chennai and the District Environmental Engineer, Tamil Nadu Pollution Control Board, Tiruppur (North) are suo motu added as respondents in this Contempt Petition.



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3. *Mrs. Shanmughavalli Sekar, learned Standing Counsel takes notice on behalf of the impleaded respondents. The learned Standing Counsel for the Tamil Nadu Pollution Control Board shall take instructions and file a report before this Court.*

4. *Registry is directed to print the name of Mrs. Shanmughavalli Sekar, learned Standing Counsel appearing on behalf of the impleaded respondents.*

5. *Post this case for hearing on 12.04.2022.*

3. Thereafter, the matter was taken up for hearing on 27.06.2022 and this Court passed the following order:

This Court had disposed off the writ petition by issuing certain directions on the cause of action that was projected by the petitioner, as if the service connection was directed to be disconnected based on the petitioner unauthorizedly using the water from the Parambikulam-Aliyar river for their industry. However, on going through the records, it is seen that the District Collector has independently issued a letter dated 22.09.2021, to the 2nd respondent requesting for disconnection of the power supply on the ground that the industry was discharging untreated trade effluent on the land for open percolation and thereby the ground water was getting polluted. It is submitted that this letter was issued by the District Collector based on the report that was submitted by the Pollution Control Board.



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2. In view of the above, the 2nd respondent on the one hand is faced with a direction issued by this Court in the writ petition and on the other hand he is facing with a direction that was issued by the District Collector.

3. If the 2nd respondent had any difficulty in implementing the order passed in the writ petition, the 2nd respondent ought to have approached this Court and sought for a clarification which has not been done till now.

4. Mr. M. Abulkalam, learned Standing Counsel appearing on behalf of the 2nd respondent seeks for sometime. Post this case for hearing on 08.07.2022.

4. The contempt petition is taken up for hearing today and the Executive Engineer viz., the 2nd respondent in this contempt petition has filed a clarification affidavit. The relevant portions in the affidavit are extracted hereunder:

4. I humbly submit that the District Collector/Chairman, District Coordination Committee, Tiruppur District, the First Respondent in the writ petition, pursuant to the inspection of industry by the office of the District by Letter No. DCC/DEE/TNPCB/TPN/F.DCC/2021, dated 22.09.2021 raised some of the pollution aspects with regard to the petitioner's industry.



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5.I humbly submit that TANGEDCO will abide by any order passed by this Hon'ble Court. However, but for the further communication of the District Collector dated 22.09.2021 regarding the violations and environmental hazards found out on inspection of the writ petitioner industry, the Electricity supply would have been restored immediately in obedience of the order of this Hon'ble Court. The delay in restoration of the supply is neither willful nor wanton but for the confusion with regard to the orders from two authorities.

5.It is clear from the above that there was an independent communication received from the District Collector on 22.09.2021, pointing out various environmental hazards and violations and there was a direction to the TANGEDCO to disconnect the electricity. In view of the same, the directions issued by this Court was not able to be implemented by the respondents.

6.The learned counsel for the petitioner submitted that the petitioner will independently workout his remedy against the decision taken by the District Collector. This Court finds that the respondents were not able to comply with the orders passed by this Court due to the reasons stated at Paragraph Nos.4 and 5 of the affidavit, extracted *supra* and there was no willful disobedience of the orders passed by this Court.

It will be left open to the petitioner to workout his remedy in the





N. ANAND VENKATESH, J.

WEB COPY

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known to law and no further orders can be passed in this contempt petition.

7.In the result, this contempt petition is closed.

08.07.2022

(1/2)

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
ssr

To

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Tiruppur District.
- 2.Dr.M.Rajamani, B.E.,
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TANGEDCO,
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