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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
and
THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.9177 of 2022

Subramani

...Petitioner

-vs-

1. The Chairman,
Tamil Nadu Pollution Control Board,
No.75, Anna Salai,
Guindy, Chennai-600 032.

2. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Hosur 635 126.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus, directing the respondents herein to consider the application of the petitioner dated 28.12.2021 and grant renewal of the consent of the petitioner for the Blue Metal Crusher in Survey No.1236/2 Kamandoddi Village, Soolagiri Taluk, Krishnagiri District.

For Petitioner : Mr.AR.L.Sundaresan,
Senior Counsel
for M/s.AL.Gandhimathi

For Respondents : Mr.M.R.Gokulakrishnan
for M/s.Shanmugavalli Sekar
(Standing Counsel for TNPCB)

ORDER

(Order of the Court was made by T.RAJA, J.)

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, directing the respondents herein to consider the application of the petitioner dated 28.12.2021 and grant renewal of the consent of the petitioner for the Blue Metal Crusher in Survey No.1236/2 Kamandoddi Village, Soolagiri Taluk, Krishnagiri District.



2. When the matter was called, Mr.M.R.Gokulakrishnan, learned Counsel appearing for the respondents submitted that M/s.Angalapparameshwari Blue Metal Unit was inspected on 11.11.2021 and a show cause notice was issued to the unit under Water Act vide Proceedings No.DEE/TNPCB/HSR/F.0560/OS/W/2021 dated 22.11.2021. Though the unit was surrounded by the residences, Gramanatham and other buildings constructed through Government Schemes within 300 M radius distance from the premises, the petitioner has submitted an application for consent of the Board concealing the facts of the actual ground reality/features located around the unit and obtained the CTO from the Board. Therefore, it was found that the unit site was established violating the BP No.04 dated 02.07.2004 issued by the Board. Moreover, the unit has not operated the ETP system consisting of collection-cum-settling tank provided for the treatment of trade effluent generated from the M-Sand Washing Section and they have not even recycled the treated trade effluent back into process. Therefore, the show cause notice was issued to the unit on 22.11.2021 citing various violations therein and seeking for explanation thereof. A reply dated 29.11.2021 was also submitted to the Board which was received on 02.12.2021. Again, another reply dated 22.12.2021 was sent and the same was also received on 28.12.2021. Later on, the petitioner also filed an application for renewal of the consent to operate through online consent management and monitoring system vide Application No.43674/4003 dated 10.03.2022. After considering the same, the petitioner Unit was asked to furnish the authenticated documents showing the shortest distance of nearby approved residential habitations, Government Natham Poramboke, Government Buildings, National Highway/State Highway, Educational Institutions, Temples and other Eco Sensitive locations, if any, from the line joining emission sources of the stone crusher machinery through competent authority like National Remote Sensing Agency, Anna University, Chennai so as to consider the application for further process, but the petitioner unit has not furnished the same as required.

3. Learned Senior Counsel for the petitioner submitted that only yesterday, the petitioner has received a communication and they are going to send a detailed reply thereon.

4. In view of the above, we hereby direct the petitioner to submit a detailed reply with relevant documents within two weeks from the date of receipt of the said communication and on receipt of the same, the respondents shall consider the same on merits and in accordance with law, within a period of four weeks thereafter.



5. With the above directions, the present Writ Petition is disposed of. No costs.

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s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Chairman,
Tamil Nadu Pollution Control Board,
No.75, Anna Salai, Guindy, Chennai-600 032.

2. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Hosur 635 126.

+1 CC to M/s.A.L. Gandhimathi, Advocate sr 28202.

+1 CC to Mrs.Shanmugavalli Sekar, Advocate sr 27648.

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AJB (CO)
SP(13/05/2022)