



WEB COPY



Writ Petition No.8850 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 9/12/2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Writ Petition No.8850 of 2021

S. Ramesh

...

Petitioner

Vs

1. The District Collector
Erode District.

2. The Commissioner
Erode Municipal Corporation
Erode District.

3. Rajendra Kothari

4. A. P. Srinivasan

...

Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondents 1 and 2 to remove the shop situated at Door No.32 Venkidusamy Street, Seenian Thottam, Erode, run by the third petitioner in the name and style of M/s. Sathguru Textiles and the shops situated at Door No.38, 39, Venkidusamy Veethi, Seenian Thottam, Erode 32, Seenian Thottam, Erode run by the fourth respondent which are in the residential area by considering the petitioner's representation dated 25/1/2021.



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For Petitioner	...	Mr.L.Chandrakumar for Mr.R.Nirmala
For respondents	...	Mr.N.Naveen Kumar Government Advocate for R.1
		Mr.Rajamathivanan for R.2
		Mr.M.Guruprasad for R.R.3 and 4.

ORDER

This writ petition has been filed praying to direct the respondents 1 and 2 to remove the shop situated at Door No.32 Venkidusamy Street, Seenian Thottam, Erode, run by the third petitioner in the name and style of M/s. Sathguru Textiles and the shops situated at Door No.38, 39, Venkidusamy Veethi, Seenian Thottam, Erode 32, Seenian Thottam, Erode run by the fourth respondent which are in the residential area by considering the petitioner's representation dated 25/1/2021.

2. The case of the petitioner is that the respondents 3 and 4 are doing commercial activities in the residential area, where the petitioner is residing. Due to the emission of cotton dust, residents of the said locality are suffering



from breathing trouble. Hence the petitioner had submitted a representation, dated 27/3/2017, to the respondents 1 and 2, including the Tamil Nadu Pollution Control Board, to remove the respondents 3 and 4 from the residential area. Since the same has not been considered so far, petitioner has come forward with the instant writ petition praying for the relief as stated therein.

3. Heard Mr.L.Chandrakumar, learned counsel for the petitioner, Mr.N.Naveen Kumar, learned Government Advocate for the first respondent, Mr.Rajamathivanan, learned counsel for the second respondent and Mr.M.Guruprasad, learned counsel for the respondents 3 and 4.

4. Learned counsel appearing for the third and fourth respondents submitted that they are collecting the bale in their houses and no commercial activities are taking place, as contended by the learned counsel for the petitioner.

5. Submission of the learned counsel appearing for the respondents 3 and 4 are recorded.



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6. In such a view of the matter, no direction need to be passed, even though, the petitioner raised an issue of air pollution. It is for the first and second respondents, to consider the representation of the petitioner, dated 25/1/2021, and pass orders, on merits and in accordance with law, after giving opportunity to the petitioner, including the respondents 3 and 4 and also considering the Zoning Regulations prescribed in the Tamil Nadu Combined Development and Building Rules 2019, as expeditiously as possible.

7. With the above direction, this writ petition is disposed of. No costs.

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Index : Yes / No

Internet: Yes

Speaking/non speaking order

mvs.



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N. SATHISH KUMAR, J



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