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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.05.2022

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

AND

THE HONOURABLE MRS. JUSTICE S.ANANTHI

WP.No.11691/2022

and

WMP.No.11147/2022

K.Chandrasekar

Versus

..Petitioner

1. The Director
Department of Environment,
No.1, Jeenis Road, Panagal Building,
Gound Floor, Saidapet, Chennai - 600 015.
2. The District Collector,
1st Floor, Main Building,
District Collectorate,
Tiruchengode Road,
Namakkal - 637 003.
3. The Chairperson,
Tamil Nadu Pollution Control Board,
76, Mount Salai,
Guindy, Chennai - 600 032.
4. The Chairperson,
Tamil Nadu Pollution Control Board,
Collectorate Campus, Near Tamilnadu Civil Supply Corporation,
Namakkal - 637003.
5. The Thasildar,
Rasipuram.
6. The Revenue Inspector,
Vennandhur Village,
Rasipuram.
7. The Commissioner,
Panchayat Union,
Pallavanaicken Patti, Rasipuram.



8. The President,
Pallavanaickenpatti Panchayat,
Rasipuram.

9. M/s.Devi Plastic,
Rep by its proprietor Raja,
S.F.No.49/2A,
Pallavanaicken patty Village,
Rasipuram Taluk,
Namakkal District.

..Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India, praying for a writ of mandamus directing the 3rd respondent to consider the appeal, dated 07.09.2021 preferred by the petitioner after providing an opportunity of hearing to the petitioner and their village peoples and by taking into consideration of the resolution passed by the 7th and 8th respondent in order to safeguard the right to life of the village people.

For Petitioner : Mr.K.Sathish Kumar

For R1 to R8 : M/s.Anitha
Special Government Pleader

ORDER

[Order of the Court was made by R.MAHADEVAN, J]

- (1) The present writ petition is filed under Article 226 of the Constitution of India praying for a writ of mandamus to direct the 3rd respondent to consider the appeal, dated 07.09.2021 preferred by the petitioner after providing an opportunity of hearing to the petitioner and their village peoples and by taking into consideration of the resolution passed by the 7th and 8th respondents.
- (2) The case of the petitioner is that the 9th respondent Plastic Industry was started by one Raja, the Proprietor of the said Industry in Reddikuttai Village, in the agricultural lands of the villagers without following the due process of law, thereby causing air pollution and water contamination. It is the further case of the petitioner that the 4th respondent/Tamil Nadu Pollution Control Board, had consented for starting the said Industry vide its order dated 18.01.2021, which compelled the petitioner and the villagers



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to file a joint representation on 17.04.2021 to the Tahsildar, Rasipuram, the 5th respondent herein, to restrain the functioning of the 9th respondent Industry. The 5th respondent, vide his Memo dated 24.04.2021, directed the Revenue Inspector, Vennandur, to conduct an enquiry and to submit a Report. Since no action was taken, the petitioner preferred an Appeal on 07.09.2021 before the 3rd respondent seeking cancellation of the Consent Order dated 18.01.2021 and the License granted to the 9th respondent-Plastic Industry and the same is pending as on date. Therefore, the petitioner is constrained to approach this Court by filing this writ petition.

- (3) The Court heard the submissions of the learned counsel for the petitioner and M/s.Anitha, learned Special Government Pleader who accepts notice on behalf of respondents 1 to 8 and without going into the merits of the claim projected by the petitioner either in his appeal or in this writ petition, directs the 3rd respondent to consider the Appeal dated 07.09.2021 preferred by the petitioner on merits and in accordance with law and dispose of the same within a period of eight weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner and the people of Reddikuttai Village, Rasipuram Taluk, Namakkal District.
- (4) With the above direction, the writ petition stands disposed of. No costs. Consequently connected Writ Miscellaneous Petition is closed.

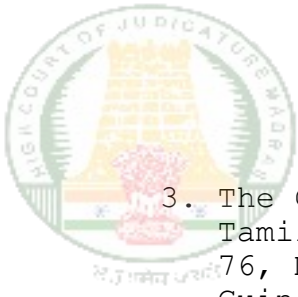
Sd/-
Vacation Officer

True Copy//

Sub Assistant Registrar

AP
To

1. The Director
Department of Environment,
No.1, Jeenias Road, Panagal Building,
Ground Floor, Saidapet, Chennai - 600 015.
2. The District Collector,
1st Floor, Main Building,
District Collectorate,
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3. The Chairperson,
Tamil Nadu Pollution Control Board,
76, Mount Salai,
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7. The Commissioner,
Panchayat Union,
Pallavanaicken Patti,
Rasipuram.

8. The President,
Pallavanaickenpatti Panchayat,
Rasipuram.

+1cc to the Government Pleader, S.R.No.31276

WP.No.11691/2022

BP[co]
NSK 16/05/2022