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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2022

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.No.11883 of 2022
and
W.M.P.No.11316 of 2022

E.Vinoth

... Petitioner

Vs.

The Commissioner,
Corporation of Avadi,
Avadi, Chennai - 600 054.

... Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus, directing the respondent to consider and pass order on the application dated 02.11.2021 with copy document resubmitted on 12.01.2022 and reminder dated 09.02.2022 for granting license to run the flour mill at Door No.15, Thendral Nagar West, 8th Cross Street, Thirumullaivayal by allowing the petitioner to open the premises for inspection of Pollution Authorities for granting NOC of noise pollution.

For Petitioner : Mr.R.Kannan

For Respondent : Mr.M.Shahjahan
Special Government Pleader

ORDER

Mr.M.Shahjahan, learned Special Government Pleader takes notice on behalf of the respondent.

2. This Writ Petition is disposed at the time of admission by dispensing with a notice and counter on the respondent as the learned Special Government Pleader for the respondent is present.

3. Earlier, a writ petition was filed by one K.Saravanan in W.P.No.20531 of 2021, to direct the first respondent therein, the respondent herein to take appropriate action against the second respondent therein, the petitioner herein, under Section 45 of the Tamil Nadu Public Health Act, 1939, in pursuance of Notice No.1 of the respondent herein dated 01.07.2021 and the said writ petition was disposed by an order dated 01.10.2021 with the following observations:-



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"3. In view of the above submissions, there shall be a direction to the 1st respondent to immediately stop the 2nd respondent from running the flour mill, till a license is granted in his favour. The 2nd respondent cannot proceed further to run the flour mill even without obtaining a license from the 1st respondent. Obtaining such a license becomes very important because the 1st respondent while considering the application will have to necessarily consider the fact as to whether the running of the flour mill will cause nuisance/noise pollution to the persons who are living in and around the flour mill. This direction shall be complied with by the 1st respondent forthwith."

4. Pursuant to the aforesaid order, the flour mill run by the petitioner was put under lock and seal. The petitioner thereafter filed an application on 02.11.2021 for granting license with enclosures before the first respondent and resubmitted the same on 12.01.2022. Till date, the application has not been processed by the respondent.

5. The learned counsel for the petitioner submits that the petitioner is also required to obtain No Objection Certificate from the Pollution Control Board and therefore the flour mill may be allowed to desealed, if the Pollution Control Board has to inspect to give the No Objection Certificate.

6. Considering the above, I direct the respondent to process the application filed by the petitioner, as expeditiously as possible, preferably, within a period of six weeks from the date of receipt of a copy of this order. The respondent shall cooperate with the Pollution Control Board, to ascertain whether the No Objection Certificate can be granted to the petitioner for facilitating the grant of license to the petitioner.

C.SARAVANAN, J.
arb

7. This Writ Petition stands disposed of with the above observations. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar



To

The Commissioner,
Corporation of Avadi,
Avadi,
Chennai - 600 054.

+1cc to Mr.R.Kannan, Advocate Sr.NO. 32352

+1cc to the Government Pleader, S.R.No.33601 [20/06/2022]

W.P.No.11883 of 2022
and
W.M.P.No.11316 of 2022

GJ(CO)
A.SK(08/06/2022)