



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2022

CORAM

THE HON'BLE MR.JUSTICE R.MAHADEVAN
AND
THE HON'BLE MRS.JUSTICE S.ANANTHI

W.P.No.11958 of 2022
and
W.M.P. No. 11379 of 2022

Anil Shisodia

.... Petitioner

Vs

1. The Commissioner,
Greater Chennai Corporation,
Rippon Building, Chennai - 3.
2. The Joint Chief Environmental Engineer,
Tamil Nadu Pollution Control Board,
1st Floor, 950/1, Poonamallee High Road,
Arumbakkam,
Chennai - 600106.
3. The District Environmental Engineer,
Tamil Nadu Pollution Board,
2nd Floor, 950/1, Poonamallee High Road,
Arumbakkam,
Chennai - 600106.
4. Kantabhai Silver and Gold Refinery,
Door No.80, Konnur High Road,
Chennai.

.... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 3 herein to forthwith initiate action against the 4th respondent and immediately terminate the electricity supply to operate the silver and gold refinery under E.B.Service No.01/064/001/1070 situated at No.80, Konnur High Road, Ayanavaram, Chennai 600 023 and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.



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For Petitioner : Ms.AL.Ganthimathi

For Respondents: Mrs. S.Vaitheeswari
Govt. Advocate for R1
Mrs. Shanmugavalli
For R2 and R3

O R D E R

(Order of the Court was made by R.MAHADEVAN, J.)

The prayer made in this writ petition is to issue a Writ of Mandamus, directing the respondents 1 to 3 to initiate action against the fourth respondent and terminate the electricity supply connection bearing No.01/064/001/1070 used to operate the silver and gold refinery at No.80, Konnur High Road, Ayanavaram, Chennai 600 023.

2.The main allegation of the petitioner herein is that the fourth respondent viz., Kantabhai Silver and Gold Refinery, is carrying on the business in silver and gold refinery by using highly concentrated chemicals, which is emitting hazardous gases. The said gases create pollution in the area and cause multiple health issues to all the nearby residents. Though the petitioner made repeated complaints about the same to the authorities concerned, no action was taken on the same. Hence, this writ petition.

3.The learned counsel for the petitioner submitted that it is mandatory for the industry to obtain consent under section 21 of the Tamil Nadu Air (Prevention and Control Pollution) Act, 1981 before establishing the same, whereas the fourth respondent did not get consent for operating the refinery in the said place adjacent to the petitioner's buildings. The said refinery also recklessly discharge noxious, poisonous and highly polluted chemical water into the sewerage which is prohibited under section 24 of the Tamil Nadu Water (Prevention and Control Pollution) Act, 1974. Thus, the operation of silver and gold refinery without the consent of the Board in the middle of a highly residential area, has to be prohibited. The learned counsel therefore prayed to this court that the respondent authorities may be directed to consider the petitioner's representation dated 29.03.2022 and take action against the fourth respondent by terminating the electricity service connection provided to them.

4.On the above submissions, we have heard the learned counsel taking notice for the respondents. According to them, the respondent authorities would consider the claim of the



petitioner and pass orders, on merits and in accordance with law, within a time frame to be stipulated by this court.

5. Taking note of the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this court directs the respondent authorities to consider the representation of the petitioner and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner as well as 4th respondent, within a period of eight weeks from the date of receipt of a copy of this order.

6. This writ petition is disposed of in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

KST/RPP

To

1. The Commissioner,
Greater Chennai Corporation,
Rippon Building, Chennai - 3.
2. The Joint Chief Environmental Engineer,
Tamil Nadu Pollution Control Board,
1st Floor, 950/1, Poonamallee High Road,
Arumbakkam,
Chennai - 600 106.
3. The District Environmental Engineer,
Tamil Nadu Pollution Board,
2nd Floor, 950/1, Poonamallee High Road,
Arumbakkam,
Chennai - 600 106.

+1cc to Ms.AL.Ganthimathi, Advocate SR.No.31075

W.P.No.11958 of 2022

KJ(CO)
GMY(25/05/2022)