



W.P.No.27356 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2022

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.27356 of 2022

M.Deena @ Jainullabudin

.. Petitioner

Vs

1.The District Collector,
Erode District,
Erode.

2.The District Engineer,
Tamilnadu Pollution Control Board,
Plot No.815, Sidco Industrial Estate,
Kalyanasundaram Street,
Chennimalai Road,
Erode-638 009.

3.K.Radha,
Proprietrix,
Vetri Vinayaka Textile Unit-II,
Punjai Lakkapuram Village,
Modakkurichi Taluk,
Erode District-638 002.

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents 1 and 2 to take action against the third respondent lint unit situated at Survey No.170/2, 170/4, 170/5, 176/6, 176/13 at Punjai Lakkapuram Village, Modakkurichi Taluk, Erode District-638 002 and close the same on the basis of the petitioner's representation dated 18.05.2022 and 12.09.2022 and consider the same.

For the Petitioner : Mr.G.Pavendhan

For the Respondents : Mrs.R.Anitha
Spl. Government Pleader
for respondent No.1

: Mrs.R.Shanmugavalli Sekar
Standing Counsel
for respondent No.2

ORDER

(Order of the Court was made by
the Hon'ble Acting Chief Justice)

Mr.M.Deena @ Jainullabudin, son of A.K.Meeraassa, a resident of No.11/10, Kanirowthar Kulam, Sathy Main Road, Opposite to Pallivasal, Erode, has filed this writ petition for issuance of a writ of mandamus directing respondents 1 and 2 to take action against the



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third respondent lint unit situated at Survey Nos.170/2, 170/4, 170/5, 176/6, 176/13 at Punjai Lakkapuram Village, Modakkurichi Taluk, Erode District and close the lint unit.

2. Learned counsel appearing for the petitioner submitted that the third respondent is running a business of lint production and dying in the name and style of Vetri Vinayaka Textile Unit-II in Survey Nos.170/2, 170/4, 170/5, 176/6 and 176/13 at Punjai Lakkapuram Village, Modakkurichi Taluk for the past four years without proper permission from respondents 1 and 2 and that the third respondent has not fixed a separate dye waste outlet in the unit.

3. Learned counsel further submitted that the third respondent is letting out their dye waste openly into the agricultural lands thereby polluting the groundwater and affecting the agricultural land. Further, the public of Lakkapuram village are affected with several diseases and are facing lungs problem, skin problem and cancer. He would submit that on 18.5.2022, the petitioner



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submitted a representation to respondents 1 and 2 to take action against the third respondent and one RVK Tex and Printing Company, which was also running in the agricultural land, however, no action was taken by the respondent authorities. Therefore, a direction may be issued to close down the lint unit of the third respondent.

4. Placing on record the letter of the District Environmental Engineer, Tamil Nadu Pollution Control Board, Erode addressed to the Member Secretary, Tamil Nadu Pollution Control Board, Guindy, Chennai, learned counsel appearing for the second respondent, on written instructions, submitted that based on the complaint, the unit of M/s.RVK Tex situated in S.F.No.144/3C Pt, 176/5 Pt. in Punjai Lakkapuram Village, Modakkurichi Taluk, was inspected by the officials of the Tamil Nadu Pollution Control Board, Erode on 14.7.2022 and the following defects were observed:

- (1)The unit was under operation without valid consent of the Board.
- (2)The ETP was not under operation and the trade



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effluent was stored in the tanks in the ETP.

(3) No proper system for recycling of treated effluent was observed in the unit.

(4) Even after the issue of Show Cause Notice, the unit has not carried out rectifications in the ETP and the unit has not operated the ETP efficiently and continuously.

5. Learned counsel further submitted that based on the defects noticed, recommendations were submitted to the Board for issuance of necessary direction for closure and disconnection of power supply to the unit under Section 33A of the Water (Prevention & Control of Pollution) Act, 1974. It is the submission of learned counsel that based on the recommendation, the Board has issued directions for closure and disconnection of power supply to the unit of M/s.RVK Tex on 26.7.2022.

6. Learned counsel for the second respondent further submitted that as far as the third respondent unit is concerned, in the letter dated 29.8.2022 itself, the third respondent stated that



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they have temporarily stopped their production so as to provide adequate air pollution control measures.

7. Since the third respondent, who is the Proprietrix of Vetri Vinayaka Textile Unit-II, herself has come forward to close down the unit by giving an undertaking to the second respondent that she will not open the unit without getting proper permission from the authorities, the prayer made by the petitioner in the writ petition to close down the third respondent's unit has rendered infructuous.

8. Accordingly, the writ petition is dismissed as infructuous. There will be no order as to costs. Consequently, W.M.P.Nos.26551 and 26552 of 2022 are closed.

(T.R., ACJ.) (D.K.K., J.)
13.10.2022

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