



W.P.No.29790 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.No.29790 of 2022
and
W.M.P.No.29195 & 29198 of 2022

R.Komathi

...Petitioner

Vs.

1.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Hosur, Krishnagiri District.

2.The Superintendent Engineer (O&M),
Tamil Nadu Electricity Board,
Krishnagiri District, Krishnagiri.

3.M/s.Star Sands LLP,
Rep. by its Partner,
S.No.215/3A & S.No.227/1A,
Alur Village, Hosur Taluk,
Krishnagiri District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorari, to call for the proceedings relating to the Consent Order Nos.2205146562827 and 2205246562827 dated



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11.07.2022 issued by the respondent No.1 to respondent No.3 herein in respect of the land in Sy.No.227/1 and Sy.No.215/3A admeasuring Ac.2.41 cents and Ac.0.29 cents respectively, in Alur Village, Hosur Taluk, Krishnagiri District belonging to the petitioner and her son and to quash the same.

For Petitioner : Mr.Y.Prakash

For Respondents : Mr.M.R.Gokul Krishnan for R1

Ms.V.Revathy
for Mr.L.Jaivenkatesh for R2

ORDER

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

Challenge in this writ petition is to the consent granted by the Tamil Nadu Pollution Control Board under Section 25(4) of the Water (Prevention and Control of Pollution) Act, 1974 and Section 21 of the Air (Prevention and Control of Pollution) Act, 1981.

2. According to the petitioner, the consent granted is bad because the unit viz., Stone Crushing Unit is situate within the prohibited distance



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from another crushing unit. We find that the orders granting consent are appealable under Sections 28 and 31 of the respective enactments.

3. In view of the availability of the alternative remedy, we do not think that we should entertain this writ petition. The writ petition is therefore **dismissed**, leaving it open to the petitioner to approach the appellate authority. No costs. Consequently, the connected miscellaneous petitions are closed.

(R.S.M.,J.) (K.B.,J.)
10.11.2022

dsa

Index :No
Internet :Yes
Speaking order

To:-

- 1.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Hosur, Krishnagiri District.
- 2.The Superintendent Engineer (O&M),
Tamil Nadu Electricity Board,
Krishnagiri District, Krishnagiri.

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