



W.P.(MD).No.18141 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.18141 of 2013

P.Jayakumar

... Petitioner

-VS-

1. The District Collector,
Nagercoil,
Kanyakumari District.
2. The Deputy Director of Health,
Public Health Office,
Krishnankoil, Nagercoil,
Kanyakumari District.
3. The Commissioner,
Colachel Municipality,
Kanyakumari District.
4. Athipan Agency
Proprietor Dhanapaul,
Kalimar, Collachel Post,
Kanyakumari District.
5. Maria Steels,
Pro. Jeyaseelan,
Kalimar, Colachel Post,
Kanyakumari District.



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6. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
30, Kesari Street, Mathipas Nagar,
Nagercoil – 629 001,
Kanyakumari District.

.... Respondents

(R6 is impleaded vide Court
order dated 19.09.2022
in W.M.P(MD) No.13047 of 2022
in W.P(MD) No.18141 of 2013 by RVJ)

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to consider the petitioner's representation, dated 15.10.2013 and closed the shops.

For Petitioner	: Mr.H.Velavadhas
For R1 & R3	: Mr.B.Saravanan Additional Government Pleader
For R4 & R5	: Mr.C.Dhanaseelan
For R6	: M/s. Vijayakumari Natarajan

ORDER

The present writ petition has been filed seeking a Writ of Mandamus, directing the first respondent to consider the representation of the petitioner, dated 15.10.2012, under which, he requested the authorities to close the



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cement godown, which is said to be situated on either side of the petitioner's house.

2. According to the petitioner, the fourth and fifth respondents are running Cement Godown on either side of his house causing pollution. The petitioner has lodged some complaints to the third respondent herein and also the sixth respondent namely the District Environmental Engineer. The sixth respondent, the District Environmental Engineer has already issued a communication to the third respondent directing him to initiate appropriate action and to inform him.

3. The learned counsel for the petitioner further contended that no action has been initiated by the third respondent or by the sixth respondents. Hence, the present Writ Petition.

4. The learned counsel for the fourth and fifth respondents has filed a counter contending that the house owned by the petitioner is located 30 feet away from the cement godown and there is no reason for the pollution



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arising out of handling of cement bags. He further contended that the present packaging system of the cement bags is under Polyethylene bags and hence, there is no possibility of dust emanating from the said bags.

5. According to the respondents 4 and 5, they have obtained proper license and running the shop.

6. The learned counsel for the third respondent has filed a counter and contended that two show cause notices were issued to the fourth and fifth respondents herein, for which, they have responded on 15.11.2013 contending that they would run their business without hindrance to others by restricting the dust spreading. However, the learned counsel for the petitioner stated that the respondents 4 and 5 have not taken any steps to prevent the spread of dust.



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7. Considering the above said facts, this Court passed the following order:

(i) The third respondent is directed to conduct an enquiry based upon the communication of the sixth respondent, dated 04.01.2012 and inspect the shop run by the respondents 4 and 5.

(ii) Based upon the said inspection report, the respondents 3 and 6 are directed to conduct a joint enquiry in the fourth and fifth respondents shop and thereafter pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order.

8. In view of the above observation, this Writ Petition stands disposed of . No costs.

19 .09.2022
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Index : Yes / No
Internet : Yes / No

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R.VIJAYAKUMAR,J.

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