



W.P(MD)No.1236 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.07.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.1236 of 2020

S.Nithyan Andam

... Petitioner

Vs.

1.The Additional District Magistrate,
Paramakudi,
Ramanathapuram District.

2.The Revenue Divisional Officer,
Paramakudi Taluk,
Ramanathapuram District.

3.The District Environmental Officer,
Tamil Nadu Pollution Control Board,
1/880, Syed Ibrahim Nagar,
Bharathi Nagar,
Ramanthapuram.

4.The Commissioner,
Paramakudi Municipality,
Ramanthapuram.

5.R.V.Sethuraman

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 1st and 4th respondents forbearing the 5th respondent from operating the wood carpentry



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workshop illegally by considering the petitioner's representation dated 31.12.2018 and 19.01.2019 respectively and pass orders on the same on merits and in accordance with law within the period that may be stipulated by this Court.

For Petitioner : Mr.M.E.Ilango

For Respondents : Mr.M.Prakash,
Addl. Government Pleader for R1 & R2.
Mrs.Vijayakumari Natarajan,
Standing Counsel for R3.
Mr.M.Kannan for R4
Mr.D.Senthil for R5

ORDER

Heard the learned counsel on either side.

2.The writ petitioner is a resident of Bharathi Nagar. He is aggrieved by the commercial activities carried on by the fifth respondent. The fifth respondent is running a carpentry unit on a minor scale. Since it is not a saw mill, no objection certificate from the Pollution Control Board is not required. At the same time, the fact remains that the fifth respondent has located his unit in a residential locality. That is why, even in the counter affidavit filed by the Pollution Control Board, it has been suggested that action should be taken under Tamil Nadu Public Health act.



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3.The learned counsel for the fifth respondent states that he would carry on activities without causing any nuisance to the writ petitioner or other residents of the locality. The said undertaking is recorded.

4.The writ petition is disposed of in the following directions:-

“(i) The fifth respondent shall not use any HP motor for carrying on his activities after 06.00 pm or before 09.00 am. In other words, no sound shall emanate from the fifth respondent's premises either before 09.00 am or after 06.00 pm.

(ii) The fifth respondent shall install sound obstructors so that even between 09.00 am to 06.00 pm, there would not be any generation of noise beyond approved decibel levels.

(iii) The activities shall be carried on only within the shop premises and not in the open space so as to avoid air pollution. The fifth respondent shall strictly adhere to the aforesaid directions. No costs.

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Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

ias

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