



W.P.(MD)No.7867 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.08.2022**

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.7867 of 2013
and M.P.(MD)No.1 of 2013

A.Samuthiram

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Executive Officer,
Veeravanallur Town Panchayat,
Veeravanallur, Tirunelveli District.

3.The Health Inspector,
Mukkudal, Tirunelveli District.

4.S.Ganesan

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 3 to take action against the fourth respondent for his illegal action of blazing cashew nut shell and to close his business in residential area at D.No.92/3 & 93/3/18, North Ayyanar Street, Veeravanallur, Ambasamudram Taluk, Tirunelveli District, under the provisions of the Tamil Nadu District Municipalities Act 1920 forthwith.

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For Petitioner : Mr.J.Parekhkumar
For Respondents : Mr.D.Sasikumar
Additional Government Pleader
for R1 to R3
Mr.H.Arumugam for R4

ORDER

This Writ Petition has been filed seeking a direction as against the respondents 1 to 3 to initiate action against the fourth respondent herein for his illegal action of blazing cashew nut shell by burning.

2. According to the writ petitioner, the fourth respondent is running a factory in the residential zone and it is causing pollution in the said locality.

3. The learned Additional Government Pleader appearing for the official respondents would submit that the fourth respondent has got Registration Certificate from the Food Safety and Standards Authority of India and licence is valid up to 13.04.2023.



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4. The fourth respondent has also obtained the licence for the period covered from 2021 to 2022.

5. The writ petitioner has given a representation to the authorities of the Pollution Control Board.

6. The District Environmental Engineer, Tirunelveli, has addressed a communication to the Commissioner, Ambasamuthiram, for taking appropriate action.

7. The learned Additional Government Pleader appearing for the official respondents would submit that an inspection was conducted by the second respondent herein and they have recorded that the fourth respondent is not using cashew nut shell for burning and he is only using firewood for burning. Apart from that, they have installed chimney for evacuating the smoke.

8. In view of the above, as alleged by the fourth respondent, there is no pollution in the said locality. The entire allegation of the writ



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petitioner relates to the usage of cashew nut shells and pollution caused in the said locality. Hence, I do not find any merit in the writ petition.

Accordingly, this Writ petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

05.08.2022

Index : Yes / No
Internet : Yes / No
csm

To

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Executive Officer,
Veeravanallur Town Panchayat,
Veeravanallur, Tirunelveli District.
- 3.The Health Inspector,
Mukkudal, Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR ,J.

csn

Order made in
W.P.(MD)No.7867 of 2013

05.08.2022