



W.P.(MD)No.6745 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.6745 of 2021

N.Narayanan

... Petitioner

Vs

1.The Commissioner,
Madurai Corporation,
Arignat Anna Maligai,
Tallakulam,
Madurai – 625 002.

2.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Kappalur,
Madurai – 625 008.

3.Taurras Agencies,
Represented by Mr.Ajay Kumar Gupta,
No.46, Bharathi Ula Road,
Race Course,
Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the first respondent to take suitable action against the third respondent on the basis of the report/recommendation sent by the second respondent, dated 23.12.2020 in accordance with law within the time stipulated by this Court.



W.P.(MD)No.6745 of 2021

For Petitioner : Mr.Pala Ramasmy

For Respondents : Mr.R.Murali
Standing Counsel for R.1

Mrs.Vijayakumari Natarajan for R.2

Mr.N.S.Karthikeyan for R.3

ORDER

Heard the learned counsel on either side.

2. The petitioner alleges that the business activities of the third respondent are posing nuisance to him. According to the petitioner, the third respondent is running cold storage unit and that it is causing immense noise pollution.

3. The petitioner has fairly enclosed a copy of the judgment dated 30.07.2008 in O.S.No.48 of 2003 on the file of Additional District Munsif Court, Madurai Town. The petitioner's wife had earlier instituted an injunction suit against the third respondent and that the said suit was dismissed after full contest on 30.07.2008. Based on the petitioner's complaint, inspection was conducted by the Pollution Control Board as well as the Madurai Corporation.



W.P.(MD)No.6745 of 2021

4. The learned Standing Counsel appearing for Madurai Corporation clarifies that they do not find the activities of the third respondent to be objectionable. The Pollution Control Board after conducting an inspection had also indicated that the noise level generated from the third respondent premises is within the permissible limits. More than anything else the petitioner is said to be presently residing only in Chennai. The petitioner's building that is located opposite to the third respondent does not appear to be the petitioner's place of permanent residence.

5. In these circumstances, I am not inclined to grant any relief. This writ petition is dismissed. No costs.

03.08.2022

Index : Yes / No
Internet : Yes/ No
mga

To

1.The Commissioner,
Madurai Corporation,
Arignat Anna Maligai,
Tallakulam,
Madurai – 625 002.



WEB COPY



W.P.(MD)No.6745 of 2021

G.R.SWAMINATHAN, J.

mga

2.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Kappalur,
Madurai – 625 008.

3.Taurras Agencies,
No.46, Bharathi Ula Road,
Race Course,
Madurai.

W.P.(MD)No.6745 of 2021

03.08.2022