



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2022

CORAM:

**THE HONOURABLE MR.JUSTICE PARESH UPADHYAY
AND**

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P(MD)No. 5116 of 2022

and W.M.P. (MD) Nos.4165 & 4166 of 2022

K.Balamurugan

.. Petitioner

Vs

1.The Tamilnadu Pollution Control Board
Rep. by its Member Secretary,
No.76, Mount Road, Guindy,
Chennai - 600 032.

2.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Collector Office Campus,
Dindigul - 624 004.

3.The Superintending Engineer,
TANGEDCO,
Dindigul Electricity Distribution Circle,
Dindigul District.

4.The Assistant Engineer(O&M),
TANGEDCO, Batlagundu,
Dindigul District.

5.The Proprietor
M/s Sri Venkateswara Crusher,
R.S.No.522,523/1D,523/2A,
Kombaipatti Village,
Batlagundu Post, Nilakottai Taluk,
Dindigul District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order in Proceeding No. T2/TNPCB/F.010861/DGL/OS/Revocation of Closure/Air/2019, dated 15.03.2022 on the file of the respondent no.1 and quash the same as illegal and consequently direct the respondent No.1 to consider the objections raised by petitioner as contained in the representation dated 30.12.2021 before deciding on restoration of electricity supply to the 5th respondent crusher unit within the time stipulated by this Court.



For Petitioner : Mr.S.Louis
For Respondents : Ms.Vijayakumari Natarajan
for R1 and R2
: Mr.S.Deenadhayalan for R3 & R4
Standing Counsel

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ORDER

(Made by PARESH UPADHYAY, J.)

Challenge in this writ petition is made to the order dated 15 March 2022 passed by the Tamil Nadu Pollution Control Board ordering restoration of power supply for the fifth respondent Unit. The said order is stated to have been passed in exercise of powers conferred under Section 31A of the Air (Prevention and Control of Pollution) Act, 1981, as amended from time to time.

2. Learned advocate for the petitioner has submitted that the impugned action of the respondent Pollution Control Board is illegal since no compound wall is made by the unit as directed by it and further that other than the petitioner, other villagers have also taken objection against this unit. Grievance is also made that the explanation of the petitioner is not properly considered by the Pollution Control Board. It is also submitted that, the fifth respondent had filed petition for seeking direction for restoration of power supply (W.P(MD) No.3061 of 2022) without joining the present petitioner as party respondent. It is submitted that the impugned order dated 15 March 2022 be interfered with.

3. Having heard learned advocate for the petitioner and having considered the material on record this Court finds that, the respondent Pollution Control Board has, in exercise of its statutory powers, discharged its obligation towards an industry after satisfying itself about the compliance of all the parameters, as reflected in the impugned order. The record also shows that, the petitioner has been striving hard to see to it that the fifth respondent unit does not function. There is also reference to the earlier round of litigation and the copies of the orders, including by the Division Bench are also on record. After taking into consideration all the factors, including the objection by this petitioner, the Pollution Control Board has thought it proper that the power supply of the fifth respondent needs to be restored. We do not find that action worth calling for any interference in exercise of powers under Article 226 of the Constitution of India.

4. So far the grievance with regard to the non-joinder of the petitioner as party respondent in W.P(MD) No.3061 of 2022 is concerned, the petitioner can take recourse to remedy available to him, however the same can not be a factor in favour of the petitioner to decide this petition.



5. For the reasons above, this writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions would not survive.

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Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1.The Member Secretary,
The Tamilnadu Pollution Control Board
No.76, Mount Road, Guindy,
Chennai - 600 032.

2.The District Environmental Engineer,
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Collector Office Campus,
Dindigul - 624 004.

3.The Superintending Engineer,,
TANGEDCO,
Dindigul Electricity Distribution Circle,
Dindigul District.

4.The Assistant Engineer(O&M),
TANGEDCO, Batlagundu,
Dindigul District.

+1 CC to M/s.VIJAYAKUMARI NATARAJAN, Advocate (SR-14078[F]
dated 24/03/2022)

+1 CC to M/s.S.LOUIS, Advocate (SR-14683[F] dated 25/03/2022)

+1 CC to M/s.S.DEENADHAYALAN, Advocate (SR-14723[F]
dated 25/03/2022)

W.P(MD)No.5116 of 2022
23.03.2022

SS(CO)

GC(31.03.2022) 3P 8C