



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2022

CORAM

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P.(MD)No.8353 of 2022

R.Thenmozhi

... Petitioner

vs.

1.The District Collector, Madurai District.

2.The Commissioner, Madurai Corporation, Madurai.

3.The Joint Chief Environment Engineer,
Tamil Nadu Pollution Control Board,
SIDCO Industrial Estate, Kapplur,
Thirumangalam Taluk, Madurai-8.

4.The District Environmental Engineer,
Tamilnadu Pollution Control Board,
SIDCO Industrial Estate, Kapplur,
Thirumangalam Taluk, Madurai-8.

5.The Chief Engineer, Electricity Distribution,
Madurai Region, Madurai -7.

6.The Assistant Engineer, Electricity Distribution,
Palanganatham, Madurai.

7.K.Kumaran

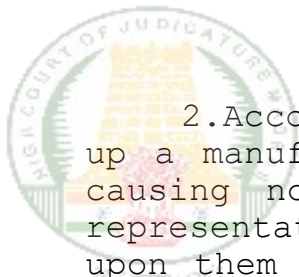
... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the second respondent to take appropriate action as per the proceedings of the first respondent, dated 28.02.2022 and the proceedings of the third respondent, dated 03.03.2022.

For Petitioner	:Mr.K.C.Ramalingam
For R1	:Mr.S.Jeyapriya
	Government Advocate
For R2	:Mr.K.K.Kannan
For R3 and R4	:Mrs.Vijayakumari Natarjan
For R5 and R6	:Mr.Deenadhayan

O R D E R

This Writ Petition has been filed for a Mandamus seeking for a direction to the second respondent to take appropriate action as per the proceedings of the first respondent, dated 28.02.2022 and the proceedings of the third respondent, dated 03.03.2022 based on the petitioner's representation, dated 10.02.2022 within a time frame to be fixed by this Court.



2. According to the petitioner, the seventh respondent has set up a manufacturing unit in a residential area, which is allegedly causing noise pollution. In such circumstance, she has given a representation, dated 10.02.2022 to the official respondents calling upon them to take action against the seventh respondent. The first respondent has forwarded the representation of the petitioner to the second and third respondents on 28.02.2022. However, as seen from the representation, it has been addressed to the Commissioner of Police, who is not the competent authority. The competent authority is the second respondent.

3. The learned Counsel for the petitioner would now submit that the petitioner is willing to give a fresh representation to the second respondent seeking for the very same relief, that was sought for in his earlier representation, which is wrongly addressed to the Commissioner of Police. The petitioner's grievance is that the manufacturing industry run by the seventh respondent is situated in a residential area causing noise pollution.

4. No prejudice will be caused to the respondents, if the petitioner is permitted to submit a fresh representation to the second respondent seeking legal action against the seventh respondent and thereafter, on receipt of the same, the second respondent shall consider the same on merits and in accordance with law after affording a fair hearing to the petitioner and the seventh respondent.

5. For the foregoing reasons, this Court directs the petitioner to submit a fresh representation to the second respondent seeking for legal action against the seventh respondent for running a manufacturing unit in a residential area, which is allegedly causing noise pollution within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the second respondent shall pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner and the seventh respondent within a period of twelve weeks thereafter.

6. With the aforesaid directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

cmr

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To

- 1.The District Collector, Madurai District.
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Thirumangalam Taluk, Madurai-8.
- 5.The Chief Engineer, Electricity Distribution,
Madurai Region, Madurai -7.
- 6.The Assistant Engineer, Electricity Distribution,
Palanganatham, Madurai.

+1 CC to M/s.S. DEENADHAYALAN, Advocate (SR-21947[F] dated 28/04/2022)

+1 CC to M/s.K.C. RAMALINGAM, Advocate (SR-22044[F] dated 28/04/2022)

+1 CC to M/s.SPL.GP. (SR-22072[F] dated 28/04/2022)

+1 CC to M/s.VIJAYAKUMARI NATARAJAN, Advocate (SR-22201[F] dated 28/04/2022)

+1 CC to M/s.K.K. KANNAN, Advocate (SR-22406[F] dated 29/04/2022)

W.P. (MD)No.8353 of 2022
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SRR(CO)
KB(17.05.2022) 3P 12C