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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.07.2022

CORAM:

THE HONOURABLE **MR.JUSTICE M.NIRMAL KUMAR**

Cont.P(MD)No.770 of 2022

in

W.P.(MD)No.13542 of 2021

M.A.K.Thangamani Nadar Modern Rice Mill

Rep. by its Partner

C.Sathish Kumar

.. Petitioner

Vs

S.Pandiarajan

The District Environmental Engineer,

Tamil Nadu Pollution Control Board,

Kappallur, Madurai

..Respondents

Prayer : This petition is filed under Section 11 of Contempt of Court Act, 1971 to punish the contemnor/respondent herein for committing grave contempt and gross disobedience of the order dated 17.08.2021 passed by this Court in WP(MD) No.13542 of 2021.

For Petitioner

: Ms.Rajeswari

For Respondents

: Ms.M.Sudharani
for Mrs.Vijayakumari



ORDER

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This Contempt petition has been filed to punish the contemnor/respondent herein for committing grave contempt and gross disobedience of the order dated 17.08.2021 passed by this Court in WP(MD) No.13542 of 2021.

2. The petitioner herein who is the partner of M.A.K.Thangamani Nadar Modern Rice Mill had filed a writ petition seeking a direction to direct the respondent to consider the petitioner's application in Form I under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 and Form-II under Section 25 of the Water (Prevention and control of Pollution) Act, 1974 within a stipulated period. This Court, by an order dated 17.08.2021 directed the respondents to give notice for giving an opportunity of personal hearing to the petitioner, by fixing a date, within a period of two weeks and on receipt of the same, the petitioner shall produce all relevant documents and give requisite explanation and thereafter, based on the explanation and the documents produced, the respondent shall process the application and then, pass necessary orders within a period of four weeks thereafter.



3. This petition has been filed for the reason that the petitioner's application has not been considered and disposed of, within the stipulated period of four weeks.

4. The learned counsel appearing for the petitioner, today, produced the proceedings of the respondent dated 29.06.2022, wherein, consent is granted to operate the rice mill under Section 25 of the Water (Prevention and Control of Pollution) Act, 1974.

5. It is seen that there was some dispute between the partners of M.A.K.Thangamani Nadar Modern Rice Mill and Sri Krishna Rice Mill. Earlier, Sri Krishna Rice Mill was situated at S.Nos.184/1,2,3A,4,5 and 6 at Usilampatti Taluk and thereafter, the partnership is said to have been dissolved and therefore, the petitioner's rice mill sought consent for running the rice mill. Since there was a rival claim, the issue could not be settled immediately. Further, since both the rice mills are situated in the same survey numbers, the petitioner has sent an online application on 11.01.2020 and thereafter, obtained an order from this Court on 17.08.2021 and following the same, he has also sent another



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representation dated 20.04.2022 and thereafter on 10.05.2022. The petitioner was informed that one Baskaran and Natarajan are raising objections for issuance of consent letter. Further, the dissolution deed in respect of Sri Krishna Rice Mill had been produced and thereafter, legal opinion was also sought for and since there was a rival claim, on 21.06.2022, physical verification was carried out and earlier licence to Sri Krishna Rice Mill in S.Nos.184/1,2,3A,4,5 and 6 was cancelled. After the issuance of notice, legal opinion was obtained on 24.06.2022 and consent has been given on 29.06.2022 under Section 21 of Air Act and Section 25 of Water (Prevention and Control of Pollution Act). The delay was only due to the process of rival claim. The materials placed before this Court and the submission of the respondent are acceptable and now, the consent is also given. The order of this Court complied with.

6. Recording the same, this contempt petition stands closed.

05.07.2022

Index: Yes/No
Internet : Yes/No
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To

The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Kappallur, Madurai



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M.NIRMAL KUMAR, J.

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