



W.P.(MD)No.15322 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**
and
THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

W.P(MD)No.15322 of 2022
and W.M.P.(MD) No.10965 of 2022

M/s.Rathi Coirs

... Petitioner

Vs.

The District Environmental Engineer,
Tamilnadu Pollution Control Board,
Collectorate Complex,
Dindigul.

... Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to forbear the respondent from initiating further proceedings in pursuance of the notice issued in proceedings in F.Compl/OS/DEE/TNPCB/DGL/SCN-A/2022 dated 28.06.2022 till the finalization of the re-categorization of the coir industries from Orange to White through the proceedings of the Chairman, Tamilnadu Pollution Control Board in his proceedings No.T2/TNPCB/F.13367/2021 dated 10.11.2021 and the writ petitions in W.P.Nos.25737, 27170, 27172, 27177, 27182, 27185 of 2021 & 15590 of 2022, on the file of the Hon'ble High Court, Madras.



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For Petitioner

: Mr.Ananth C. Rajesh

For Respondent

: Mrs.Vijayakumari Natarajan

Standing Counsel

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ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

The writ petition has been filed for issuance of a Writ of Mandamus, forbearing the respondent from initiating further proceedings in pursuance of the notice issued in proceedings in F.Compl/OS/DEE/TNPCB/DGL/SCN-A/2022 dated 28.06.2022 till the finalization of the re-categorization of the coir industries from Orange to White through the proceedings of the Chairman, Tamilnadu Pollution Control Board in his proceedings No.T2/TNPCB/F.13367/2021 dated 10.11.2021 and the writ petitions in W.P.Nos.25737, 27170, 27172, 27177, 27182, 27185 of 2021 & 15590 of 2022, on the file of this Court.

2. Heard Mr.Ananth C.Rajesh, learned counsel for the petitioner as well as Mrs.Vijayakumari Natarajan, learned Standing Counsel for the respondent.



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3.The petitioner is a Proprietary concern of a woman entrepreneur. The petitioner is manufacturing Coir Products, Coir Fibres, Coconut Husk and Coco Peat Products. The petitioner states that they are also exporting Coco Peat Products. The petitioner industry is registered with the Ministry of Micro, Small and Medium Enterprises and carrying on business from 2020. However, the petitioner was issued with a Show Cause notice, calling upon the petitioner to submit their explanations pointing out several defects, particularly, the fact that dust particles are easily carried due to heavy wind and create nuisance of dust pollution, since the petitioner has not provided nest arrestors or compound wall around the pith processing area.

4. It is the case of the petitioner that several writ petitions were filed before this Court challenging the change of classification of coir industries from White Category to Orange Category. Therefore, the contention of the petitioner is that till such time the writ petitions are decided one way or other, no proceedings can be initiated by the Pollution Control Board.

5. This Court is unable to accept the said contention of the petitioner, as the present writ petition is filed only



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challenging the show cause notice. It is always open to the petitioner to enclose the interim order, if any, if the petitioner has obtained. This Court is unable to see the interim order of status quo in the Writ Petitions could be extended to the cases throughout the State. It is the responsibility of the Pollution Control Board to monitor every industry. The nature of pollution alleged against the petitioner is serious and the petitioner has not even provided the minimum devices to prevent the air pollution.

6. In view of the above, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is also dismissed. However, liberty is given to the petitioner to respond to the show cause notice. It is open to the respondent to pass appropriate orders, considering the petitioner's explanation, without being influenced by any of the observations made by this Court. Since the petitioner is supposed to be present today (15.07.2022) for the hearing, the respondent may consider the objections or explanations that may be given by the petitioner within one week from today.

[S.S.R., J.] [S.S.Y., J.]
15.07.2022

Index : Yes / No
sj



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S.S.SUNDAR, J.

and

S.SRIMATHY, J.

sj

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