



W.P(MD)No.16566 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.16566 of 2022

and

W.M.P.(MD)Nos.11966, 11973, 11976 and 11978 of 2022

M/s.M.M.Sand,
Rep. by its Proprietor,
M.Murugesan

... Petitioner

Vs.

- 1.The Revenue Divisional Officer,
Illuppur, Pudukkottai District.
- 2.The Tahsildar,
Kulathur Taluk,
Pudukkottai District.
- 3.The District Environment Engineer,
Tamilnadu Pollution Control Board,
Pudukkottai District.
- 4.The District Collector,
Pudukkottai District.
- 5.The Superintendent of Police,
Pudukkottai District.
- 6.The President,
Vathanakurichi Village Panchayat,
Kunnandar Koil Block,
Pudukkottai District.



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7.Mayalagu

... Respondents

(R6 and R6 are deleted from array of respondents vide order dated 10.08.2022 in W.P.(MD)No.16566 of 2022 by GRSJ)

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings dated 13.07.2022 on the file of the 1st Respondent in respect of running of the Petitioner Crusher Unit known as M.M. Sand situated at No.662, Vevayalpatti, Kulathur Taluk, Pudukkottai District and quash the same and further directing the 1st respondent to permit the petitioner to run the Petitioner M/s.M.M. Sand Unit.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mr.K.Balasubramani,
Spl. Govt. Pleader for R1, R2, R4 & R5.
Mrs.Vijayakumari Natarajan,
Standing Counsel for R3.

ORDER

Heard the learned counsel for the writ petitioner and the Special Government Pleader for the respondents 1, 2, 4 and 5 and the learned standing counsel for the third respondent.



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2.The writ petitioner is a crusher unit. The writ petitioner unit is being run for the last 15 years. There was change of ownership some ten years ago. The consent issued in favour of the writ petitioner by the Tamil Nadu Pollution Control Board expired in March 2021. The unit could not run thereafter on account of local agitation. In this regard, a peace committee meeting was convened on 13.07.2022 under aegis of the Revenue Divisional Officer, Illuppur. The local panchayat president as well as her husband and one Soosai took part in the meeting on behalf of the villagers. It was decided therein that the petitioner's request for renewal of consent will be considered by the Tamil Nadu Pollution Control Board in accordance with the relevant rules and regulations. The villagers were at liberty to avail their remedy in the manner known to law. The encroachments said to have been committed by the writ petitioner were to be removed. Thereafter, the Tamil Nadu Pollution Control Board conducted an inspection. The Board found that the petitioner is fulfilling all the parameters.

3.The third respondent had filed a typed set of papers in this writ petition. At page No.21, copy of the letter dated 03.08.2022 sent by the third respondent has been enclosed. It can be seen therefrom that the defects earlier pointed out



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have since been rectified. The sole ground on which renewal of consent could not be granted was that there was frequent agitation by the local public.

4.In my view this can be never be a ground for the Tamil Nadu Pollution Control Board to refuse renewal of consent. Because of this stand taken by the Board, the petitioner challenged the decision taken in the peace committee meeting held on 13.07.2022.

5.It has been held time and again that a peace committee meeting lacks statutory backing. A decision taken in such a meeting can never be enforced by the statutory authorities. It is only a well meaning endeavor to resolve the pending issues. If the parties to the peace committee meeting do not stick to the decision, they have to take recourse to legal process.

6.I therefore decline to entertain the challenge to the decision taken in the peace committee meeting as it is not amenable to legal challenge. However, the stand of the Tamil Nadu Pollution Control Board that the petitioner's request for renewal cannot be considered in view of the local agitation has be to be necessarily rejected. The statutory authority must take a decision taking into account the rights of the parties. The petitioner is entitled to run a business. It



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is guaranteed under Article 19(1)(g) of the Constitution of India. Of course, this right is subject to adhering to the norms prescribed in the relevant rules and regulations. It is not the case of the official respondents that the petitioner has not complied with the rules and regulations. On the other hand, the aforesaid letter written by the third respondent indicates that the petitioner has fully complied with the directions issued by the Board. It is also seen that the petitioner has been in operation for 15 years. If the villagers have any grievance, it is always open to them to initiate proceedings for closure of the unit. It appears that earlier for some other reason closure order was passed but operation of the said order has been stayed in W.P.Nos.14034 and 14041 of 2022. The interim order is still in force. In these circumstances, denial of the petitioner's request for renewal on the ground set out in the aforesaid letter is clearly unsustainable. Even while I decline to set aside the proceedings dated 13.07.2022, I direct the third respondent to renew the consent given to the writ petitioner under the relevant laws. Such consent order shall be issued within a period of two weeks from the date of receipt of a copy of this order. Whenever the authority is confronted with an issue of this order, the authority must act in a manner to aid the enforcement of the right rather than stifle the same. The decision of the authority cannot be swayed by threat of agitation and mob violence. An issue will have to be decided dispassionately by applying the



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relevant rules to the facts on hand. Threats of agitation cannot cloud the decision of the authority.

7.The writ petition is allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

10.08.2022

Index : Yes / No

Internet : Yes/ No

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Issue order copy on 12.08.2022.

To:-

1.The Revenue Divisional Officer,
Illuppur, Pudukkottai District.

2.The Tahsildar,
Kulathur Taluk,
Pudukkottai District.

3.The District Collector,
Pudukkottai District.

4.The Superintendent of Police,
Pudukkottai District.



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G.R.SWAMINATHAN, J.

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