



W.P(MD)No.22288 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.10.2022

CORAM:

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

W.P(MD)No.22288 of 2022

and

WMP(MD)No.16478 of 2022

Sundari
W/o.Deivendran
President,
Sethuranyanputhur Village Panchayat,
Manur Panchayat Union,
Tirunelveli District.

... Petitioner

vs.

1. The District Collector,
Tirunelveli District, Tirunelveli.
2. The District Fire Officer,
F and R Service Station, Palayankottai,
Tirunelveli District.
3. The District Environmental Officer,
The Tamilnadu Pollution Control Board,
30/2, SIDCO Industrial Estate,
Pettai, Tirunelveli District.
4. The Assistant Engineer,
Tamilnadu Water Drainage Board,
RWS Sub-Division,
Tirunelveli District.
5. The Assistant Director,
Health and Service,
Tirunelveli District.



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6. The Assistant Director (Rural),
Assistant Director Office,
Tirunelveli District.

7. The Block Development Officer (Regular BDO),
Manur Union Office,
Tirunelveli District.

8. Arasan Nitrous,
Represented by its Manager,
6/81A, Sankarankovil Main Road,
Sethurayanputhur,
Tirunelveli District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 1st respondent to take action against the 8th respondent which has been established illegally and consequently close the 8th respondent company from the Sethuranyanputhur Village Panchayat comprised in Manur Panchayat Union, Tirunelveli District which affects the general public within the time limit that may be stipulated by this Hon'ble Court.

For Petitioner	: Ms.M.Anbarasi
For R1 to R7	: Mr.P.Thilakkumar, Government Pleader
For R8	: Mr.H.Arumugam

ORDER

(Order of the Court was made by R.MAHADEVAN, J.)

The petitioner, who is the President of the Sethuranyanputhur Village Panchayat, has sought for a Mandamus, directing the 1st respondent to take action against the 8th respondent company, which has been established illegally and consequently to close down the 8th



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respondent company from the Sethuranyanputhur Village Panchayat situated in Manur Panchayat Union, Tirunelveli District, within a time frame.

2. The learned counsel for the petitioner submitted that the Executive Officer of the Sethuranyanputhur Village Panchayat had originally granted a licence for a period of one year, for the establishment of the 8th respondent company and accordingly, the 8th respondent started manufacturing of Nitrous Oxide Gas. According to the learned counsel, because of the wastage in the manufacture of Nitrous Oxide Gas sent to underground, the drinking water of the area in and around the 8th respondent company got polluted and the people residing there suffered from different kinds of diseases. Hence, in the aforesaid Village Panchayat Meeting held on 22.01.2021, an Agenda was passed to close down the 8th respondent company. Though the petitioner made several representations to the 7th respondent to take action against the 8th respondent company, no action was taken. While so, without obtaining permission from the authorities concerned or renewing their original licence, the 8th respondent is attempting to establish Oxygen Manufacturing Unit which will cause danger to the villagers of the aforesaid village. Hence, the petitioner made a representation on 31.03.2022 to the official respondents in this regard and based on the



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said representation, though the 6th respondent vide proceedings in Na.Ka.No.A4/1511/2022, dated 01.04.2022, directed the 7th respondent to take action against the 8th respondent, till date, no action has been taken. Further, the 8th respondent is also having business activities without any licence. Hence, the learned counsel has prayed to allow the writ petition.

3. The learned Government Pleader appearing for the official respondents, on instructions, submitted that the application of the 8th respondent seeking licence for the manufacture of Nitrous Oxide Gas is under process and the 8th respondent company have not commenced any such manufacturing activity till date. The said submission is recorded.

4. The 8th respondent company has filed a counter affidavit. The learned counsel appearing for the 8th respondent submitted that though the petitioner was elected as the President of the aforesaid Village Panchayat, abusing her official powers, she along with her husband and her son who is working in the Postal Department, visited the 8th respondent company and demanded illegal gratification and they even went to the extent of threatening the life of the staff of the 8th respondent company under the guise of protest by the villagers. Further, another son of the petitioner who is working in the military service also came to the 8th



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respondent's premises along with 10 persons stated to be the villagers and threatened the 8th respondent and their staff. Hence, the 8th respondent constrained to videograph the aforesaid illegal threat made by the petitioner and her family members.

5. As regards the pollution caused by the 8th respondent through the manufacture of Nitrous Oxide Gas, the learned counsel for the 8th respondent submitted that the allegations raised by the petitioner in this regard are vague, as they are general in nature without any substance. Further, the process of manufacture of Nitrous Oxide Gas was started by the 8th respondent only after getting proper air and water pollution certificates from the competent authorities. Even otherwise, for the said allegations, the writ jurisdiction cannot be invoked, as the remedy lies before the National Green Tribunal, which has got exclusive jurisdiction in such matters. Thus, the learned counsel submitted that the present writ petition filed as a public interest writ petition, is only a vexatious petition and is devoid of any merits and therefore, it is liable to be dismissed.

6. Apart from the above submissions, now the learned counsel for the 8th respondent undertakes before this Court that the 8th respondent has applied for licence before the appropriate authorities and only after obtaining such licence, they will commence the operation of manufacture of Nitrous Oxide Gas.



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7. The aforesaid undertaking made by the learned counsel for the 8th respondent is recorded.

8. Since the 8th respondent is making allegations of threat, abuse of official powers and the illegal gratification against the petitioner and her family members and considering the fact that the 8th respondent is stated to have videographed the alleged act of the petitioner and her family members, we direct the first respondent/District Collector, Tirunelveli District, who is the Inspector of Panchayats, to conduct a thorough enquiry with regard to the aforesaid allegations raised by the 8th respondent and take appropriate action, after affording sufficient opportunity of personal hearing to all the parties concerned. If the District Collector finds that the aforesaid allegations raised against the petitioner and her family members are proved, then the petitioner shall be suspended from the post of President of the Sethuranyanputhur Village Panchayat with immediate effect, removed thereafter by due process of law and appropriate criminal prosecution shall also be launched immediately against the petitioner, her husband, her sons and also the persons concerned. The first respondent is directed to file the outcome of the enquiry and the consequential action taken report before this Court on 01.12.2022.



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9. With the above directions, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

10. Post the writ petition on 01.12.2022 for reporting compliance.

[R.M.D.,J.] & [J.S.N.P.,J.]
20.10.2022

Index : Yes / No
Internet : Yes
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To

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J.SATHYA NARAYANA PRASAD,J.

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ORDER MADE IN
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