



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.03.2022

CORAM

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)Nos.21334 of 2021 and 4519 of 2022

and

W.M.P. (MD)No.17896 of 2021 and 3798 of 2022

WEB COPY

W.P. (MD)No.21334 of 2021:-

Johnson

... Petitioner

vs.

1.The Environment Engineer,
Tamil Nadu Pollution Control Board,
Meelavittan, Thoothukudi District.

2.The Block Development Officer,
Office of the Block Development Officer,
Sathankulam, Thoothukudi District.

3.The President,
Amuthunnakudi Panchayat,
Sathankulam Taluk, Thoothukudi District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to impugned order of the second respondent vide his proceedings in A6/722/2018 dated 01.10.2021 and to quash the same as illegal consequently, to direct the respondents to give a permission to run a hollow block manufacturing unit in the name and style of "J.J.Backiyam Hallow Block Unit" at Plot No.12 Sathankulam Village and Taluk, Thoothukudi District.

For Petitioner	:Mr.T.Vadivelan
For R1	:Mrs.Vijayakumari Natarajan
For R2 and R3	:Mr.M.Sarangan
	Additional Government Pleader

W.P. (MD)No.4519 of 2022:-

Kamaraj

... Petitioner

vs.

1.The District Collector,
Thoothukudi District, Thoothukudi.

2.The Revenue Divisional Officer,
Thiruchendur, Thoothukudi District,



3.The Block Development Officer,
Sathankulam Union,
Sathankulam, Thoothukudi District.

4.The President,
Amuthunnakudi Panchayat,
Sathankulam Taluk, Thoothukudi District.

5.G.G.Backiyam

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents 1 to 4 to remove the 5th respondent hollow block unit, functioning in Thavasiyapuram, Amuthunnakudi panchayat, Sathankulam Taluk, Thoothukudi District and consequently, to direct the respondents 1 to 4 to take appropriate action as against the 5th respondent for his illegal operation of the above hollow block unit, based on the petitioner's representations dated 20.06.2021 and 23.10.2021 within a time limit that may be stipulated by this Court.

For Petitioner	:Mr.M.S.Jeyakarthick
For R1 and R2	:Mr.M.Lingadurai Special Government Pleader
For R3 and R4	:Mr.M.Sarangan Additional Government Pleader

C O M M O N O R D E R

W.P.(MD)No.21334 of 2021 has been filed by the owner of the hollow block unit, by name, "J.J.Backiyam Hallow Block Unit". He has challenged the impugned proceeding, dated 01.10.2021 issued by the second respondent, under which the second respondent has called upon the petitioner to stop the work in the hollow block unit until the petitioner obtains licence.

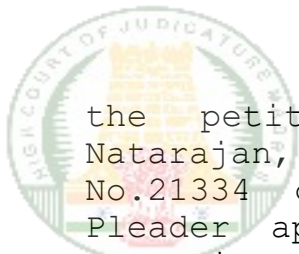
2.According to the petitioner in W.P.(MD)No.21334 of 2021, he is running a hollow block manufacturing unit at 94H, Kamaraj Nagar, Ittamozhi, Sathankulam, Thoothukudi District.

3.The petitioner in W.P.(MD)No.4519 of 2022, who is a neighbour to the aforesaid hollow block unit, has sought for the relief to direct the respondents 1 to 4 to remove hollow block unit based on his representations, dated 20.06.2021 and 23.10.2021.

4.Since the issues involved in both the Writ Petitions are one and the same, both the Writ Petitions are disposed of by a common order.

5.Heard Mr.T.Vadivelan, learned Counsel for the petitioner in W.P.(MD)No.21334 of 2021, Mr.M.S.Jeyakarthick, learned Counsel for

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the petitioner in W.P.(MD)No.4519 of 2022, Mrs.Vijayakumari Natarajan, learned Counsel for the first respondent in W.P.(MD) No.21334 of 2021, Mr.M.Sarangan, learned Additional Government Pleader appearing for R2 and R3 in W.P.(MD)No.21334 of 2021, Mr.M.Lingadurai, learned Special Government Pleader appearing for R1 and R2 in W.P.(MD)No.4519 of 2022 and Mr.M.Sarangan, learned Additional Government Pleader for R3 and R4.

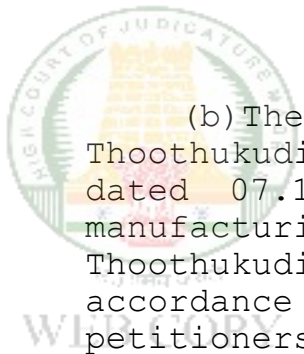
6.Mr.M.Sarangan, learned Additional Government Pleader appearing on behalf of Block Development Officer and the Panchayat President would submit that licence is required for running a hollow block manufacturing unit. According to him, the same will have to be applied under Section 160 of the Tamil Nadu Panchayats Act, 1994. Since the petitioner in W.P.(MD)No.21334 of 2021 has not applied for the same and is running the hollow block manufacturing unit without licence, the said premises will have to be sealed. According to him, only under the said circumstances, the impugned notice, dated 01.10.2021 has been issued to the petitioner in W.P.(MD)No.21334 of 2021.

7.The learned Special Government Pleader appearing for some of the official respondents would point out that the contents of the counter affidavit filed by the second respondent in paragraph 3, wherein, the second respondent has categorically stated that the petitioner in W.P.(MD)No.21334 of 2021 has promised the second respondent during inspection that he will stop the manufacturing activities in the hollow block manufacturing unit till he obtains licence. Hence, he would submit that being a residential area without obtaining licence, the petitioner in W.P.(MD)No.21334 of 2021 cannot run the hollow block manufacturing unit. Further, he would submit that the hollow block industry causes pollution and residents will be affected, if it is continued to be run.

8.The learned Counsel for the petitioner would submit that the petitioner in W.P.(MD)No.21334 of 2021 has already applied for licence on 07.10.2021 with the President of Amuthunnakudi Panchayat, Sathankulam Taluk, Thoothukudi District in accordance with Section 160 of the Tamil Nadu Panchayats Act, 1994.

9.Since the petitioner has already submitted an application for licence to run the unit and has also given an undertaking to the Block Development Officer that he shall not run the unit till he obtains licence, no prejudice will be caused to any of the parties to these Writ Petitions, if these Writ Petitions are disposed of by issuing the following directions:

(a)The petitioner in W.P.(MD)No.21334 of 2021 shall not run the hollow block manufacturing unit at 94H, Kamaraj Nagar, Ittamozhi, Sathankulam, Thoothukudi District till he obtains licence from the Panchayat as per the provision of Section 160 of the Tamil Nadu Panchayats Act, 1994.



(b)The President of Amuthunnakudi Panchayat, Sathankulam Taluk, Thoothukudi District shall consider the petitioner's application, dated 07.10.2021 seeking for licence to run the hollow block manufacturing unit at 94H, Kamaraj Nagar, Ittamozhi, Sathankulam, Thoothukudi District and pass final orders on merits and in accordance with law after affording a fair hearing to the petitioners herein within a period of eight weeks from the date of receipt of a copy of this order.

10.With the aforesaid directions, these Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS III)

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/ /2022

Sub Assistant Registrar(CS)

To

- 1.The Environment Engineer,
Tamil Nadu Pollution Control Board,
Meelavittan, Thoothukudi District.
- 2.The Block Development Officer,
Office of the Block Development Officer,
Sathankulam, Thoothukudi District.
- 3.The President,
Amuthunnakudi Panchayat,
Sathankulam Taluk, Thoothukudi District.
- 4.The District Collector,
Thoothukudi District, Thoothukudi.
- 5.The Revenue Divisional Officer,
Thiruchendur, Thoothukudi District,

+1 CC to M/s.VIJAYAKUMARI NATARAJAN, Advocate (SR-15398[F] dated 30/03/2022)

+1 CC to M/s.M.S.Jeyakarthik,Advocate (SR-15250[F] dated 30/03/2022

+1 CC to M/s.SPL GP (SR-15738[F] dated 31/03/2022)

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MGJ(06.04.2022) 4P 9C

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