



**W.P.(MD) No.28305 of 2022**

**WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 16.12.2022**

**CORAM:**

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR**

**and**

**THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD) No.28305 of 2022**

Uma

... Petitioner

Vs.

- 1.The District Collector,  
District Collector Office,  
Ramanathapuram District.
- 2.The District Revenue Officer,  
Ramanathapuram District.
- 3.The Pollution Control Board Officer,  
Pollution Control Board Office,  
Ramanathapuram.
- 4.Muthumanickam

... Respondents



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**PRAYER :** Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to shift the VLS Oil & Rice Flour Mill situated at Near National Academy School, Patinamkatham, Ramanathapuram District, running by the 4<sup>th</sup> respondent by considering the petitioner's representation dated 28.11.2022.

For Petitioner : Mr.P.Andiraj

For Respondents : Mr.P.Thilakkumar,  
Government Pleader for R1 & R2.  
Ms.Vijakumari Natarajan for R3

### **ORDER**

**[Order of the Court was made by D.KRISHNAKUMAR, J.]**

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to shift the VLS Oil & Rice Flour Mill situated at Near National Academy School, Patinamkatham, Ramanathapuram District, Running by the 4<sup>th</sup> respondent by considering the petitioner's representation dated 28.11.2022.



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2. Heard Mr.P.Andiraj, learned counsel for the petitioner, Mr.P.Thilakumar, learned Government Pleader, who takes notice for the respondents 1 and 2, Ms.Vijakumari Natarajan, learned Standing Counsel, who takes notice for the third respondent. Considering the nature of the order proposed to be passed in this Writ Petition, notice to the 4<sup>th</sup> respondent is dispensed with.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

4. It is the case of the petitioner that the 4<sup>th</sup> respondent is running a Chilly Grinding Mill in the name and style of “VLS Oil & Rice Flour Mill”, Near National Academy School, Pattinmakatham, Ramanathapuram District. The 4<sup>th</sup> respondent has opened the aforesaid Chilly Grinding Mill at about 9.30 a.m. and working upto 6.00 p.m., which is causing health hazard to the children, who are studying in the said school. In this regard, though the petitioner made a



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representation to the respondents 1 to 3 on 28.11.2022, till date, no action has been taken by the respondents. Hence, the petitioner has filed this Writ Petition.

5. On a perusal of the affidavit filed by the petitioner, it is seen that it is not the case of the petitioner that the aforesaid Grinding Mill is running by the 4<sup>th</sup> respondent without any permission or license and further, the petitioner has not produced any material to show that pollution is caused due to the running of the said Grinding Mill. It is further seen that the petitioner has made representation on 28.11.2022 and the same has been received by the respondents only on 30.11.2022. Therefore, without giving sufficient time to the respondents to act on the representation, the petitioner has immediately approached this Court and sought for the aforesaid relief. The petitioner and the 4<sup>th</sup> respondent are residing in same street and without following the norms and rules prescribed by this Court as well as the Hon'ble Supreme Court, the petitioner has filed this Writ Petition as Public Interest Litigation. Therefore, we are not inclined to entertain this Writ Petition and the same is liable to be dismissed.



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**WEB COPY 6.** Accordingly, this Writ Petition is dismissed. No costs.

**[D.K.K., J.]      [R.V., J.]**

**16.12.2022**

Index : Yes / No

Internet : Yes / No

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