



WEB COPY



W.P.No.3832 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P.No.3832 of 2023
and
W.M.P.No.3901 of 2023

M.Jaya

.. Petitioner

Vs.

The State by;

1.The Joint Principal Environmental Engineer
Tamil Nadu Pollution Control Board
First Floor, 950/1, Poonamallee High Road
Arumbakkam, Chennai – 106.

2.The District Environmental Engineer
Tamil Nadu Pollution Control Board
Ambattur, Chennai – 58.

3.The Superintendent of Engineer
Tamilnadu Electricity Board
Thirumangalam, Anna Nagar
Chennai – 40.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 2nd respondent to consider the petitioner representation dated 12.01.2023 to permit function the workshop at in No 32 – G, Basin Road,



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Thiruvottiyur, Chennai.

For Petitioner : Mr.C.Chokkalingam
For R1 and R2 : Mrs.Shanmugavalli Sekar
Standing Counsel (TNPCB)
For R3 : Mr.L.Jaivenkatesh
Standing Counsel (TNEB)

ORDER

(Order of the Court was delivered by V.M.VELUMANI, J.)

The Writ Petition is filed for a direction to the 2nd respondent to consider the petitioner representation dated 12.01.2023 to permit function the workshop at in No 32 – G, Basin Road, Thiruvottiyur, Chennai.

2. By consent of both the learned counsel appearing for the petitioner, Mrs.Shanmugavalli Sekar, learned Standing Counsel (TNPCB), who takes notice for the respondents 1 and 2 as well as Mr.L.Jaivenkatesh, learned Standing Counsel (TNEB), who takes notice for the 3rd respondent, the writ petition is taken up for final disposal at the stage of admission itself.

3. Heard the learned counsel appearing for the petitioner as well as



Mrs. Shanmugavalli Sekar, learned Standing Counsel (TNPCB) appearing for the respondents 1 and 2 as well as Mr. L. Jaivenkatesh, learned Standing Counsel (TNEB) appearing for the 3rd respondent and perused the entire materials on record.

4. According to the petitioner, she is running a small workshop with helpless women in the name of Aiyandar Murugan House Hold Products from the year 2008 for her livelihood at No.32-G, Basin Road, Thiruvottiyur, Chennai by obtaining GST Registration as well as MSME Registration. Whiles, due to enmity between the petitioner and her brother-in-law, he has given a complaint against the petitioner to the respondents 1 and 2. The 2nd respondent issued a Show Cause Notice dated 17.08.2022, asking the petitioner to give explanation within seven days alleging that they have inspected her unit on 03.08.2022. Due to her illness, she could not submit any explanation to the said show cause notice. Whiles, the respondents 1 and 2 instructed the 3rd respondent to disconnect the electricity connection given to the petitioner's unit and the 3rd respondent disconnected the electricity connection in December-2022.

5. The learned counsel appearing for the petitioner submitted that



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in the area several big units are running with heavy pollution, the respondents are not taking any steps against the said big units. In such circumstances, the petitioner gave a representation dated 12.01.2023 to the respondents. Since no order has been passed, the petitioner has come out with the present writ petition.

6. The learned counsel appearing for the petitioner further submitted after filing writ petition, now the respondents 1 and 2 have sealed the petitioner's unit.

7. Mrs. Shanmugavalli Sekar, learned Standing Counsel (TNPCB) appearing for the respondents 1 and 2 submitted that the petitioner without obtaining any permission is running the workshop and after inspection, the petitioner's unit was closed. The representation of the petitioner dated 12.01.2023 will be considered and necessary orders will be passed on merits.

8. Considering the above submission of the learned counsel appearing for the petitioner and learned Standing Counsel (TNPCB) appearing for the respondents 1 and 2, the respondents 1 and 2 are



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directed to consider the representation of the petitioner dated 12.01.2023 and pass orders on merits and in accordance with law, after giving opportunity to the petitioner.

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

(V.M.V., J) (R.H., J)
10.02.2023

Index : Yes / No
Neutral Citation : Yes / No
dm

To

- 1.The Joint Principal Environmental Engineer
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