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W.P.No.3458 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.02.2023

CORAM

THE HONOURABLE Ms. JUSTICE V.M.VELUMANI
AND
THE HONOURABLE Mrs. JUSTICE R.HEMALATHA

W.P.No.3458 of 2023

R.S.Thulasi Raman

.. Petitioner

Vs.

1.The District Collector
Vellore District
Vellore

2.The Assistant Environmental Engineer
Tamil Nadu Pollution Control Board
Auxilium College Road
Gandhi Nagar
Vellore 632 006

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus, directing the 2nd respondent to grant consent to operate modern rice mill at door No.768, Sholinghur Main Road, Kumpinipet, Ranipet District by processing the application dated 28.04.2022 and representations dated 11.04.2022, 12.09.2022 and 11.01.2023 within a time frame.



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For Petitioner : Mr.V.Balaji

For 1st Respondent : Mr.A.Selvendran
Special Government Pleader

For 2nd Respondent : Mrs.Shanmugavalli Sekar
Standing Counsel

ORDER

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

Writ Petition is filed for a direction to the 2nd respondent to grant consent for operating the modern rice mill at door No.768, Sholinghur Main Road, Kumpinipet, Ranipet District, by processing the application dated 28.04.2022.

2. By consent of both the learned counsel appearing for the petitioner as well as Mr. A.Selvendran, learned Special Government Pleader, who takes notice for the 1st respondent and Mrs.Shanmugavalli Sekar, learned Standing Counsel, who takes notice for the 2nd respondent, the Writ Petition is taken up for final disposal at the stage of admission itself.



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3. Heard the learned counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for the 1st respondent and learned Standing Counsel appearing for the 2nd respondent and perused the entire materials available on record.

4. According to the petitioner, he is the owner of Sri Ram Rice Mill situated at door No.768, Sholinghur Main Road, Kumpinipet Village, Arakkonam Talum, Ranipet District. He leased out the said mill to one V.P.Naga Sowjanya, who is the hulling agent of the Tamil Nadu Civil Supplies Corporation. While so, the 2nd respondent issued notice dated 06.04.2022, directing the lessee to submit explanation as to why, action should not be taken under the provisions of the Water (Prevention and Control) Act, 1974 and the Air (Prevention and Control) Act, 1981, within seven days of the receipt of the said notice. The 2nd respondent has also stated in the said notice that the rice mill was inspected on 30.03.2022 and found certain deficiencies. The said deficiencies were also complied with immediately and the consent application dated 28.04.2022 submitted by the lessee has not been processed till date.



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5. The learned counsel appearing for the petitioner submitted that the lessee had rectified the deficiencies pointed out by the 2nd respondent and submitted Form-I of the Air Act, 1981 and Form-II of the Water Act, 1974, along with requisite fee on 28.04.2022. The said consent application was not taken for consideration by the 2nd respondent. In such circumstances, the petitioner sent a representation dated 12.09.2022 to the 1st respondent. Since no order is passed by the 1st respondent, the petitioner has come out with the present writ petition.

6. The learned Standing Counsel appearing for the 2nd respondent submitted that the petitioner may be directed to submit a copy of the online application along with the acknowledgment to the 2nd respondent and the same will be considered within the time limit fixed by this Court.

7. From the above materials, it is seen that, it is the case of the learned counsel for the petitioner that petitioner's lessee has rectified the deficiencies and submitted necessary Forms on 28.04.2022 for consent to



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operate the mill and paid necessary fees. According to the petitioner, the 2nd respondent has not considered the said application and not given consent.

8. Considering the above submissions of the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the 2nd respondent, even though the petitioner is seeking for larger relief, it would suffice to direct the petitioner to submit a copy of the on line application along with the acknowledgment to the 2nd respondent within one week from the date of receipt of a copy of this order and on receipt of such application, the 2nd respondent is directed to inspect the rice mill within two weeks thereafter and consider the application for consent on merits and pass orders in accordance with law, after giving opportunity to the petitioner within a period of four weeks thereafter.

With the above directions, the writ petition is disposed of. No costs.

(V.M.V.,J.) (R.H.,J.)
08.02.2023

Internet : Yes/No
Neutral citation : Yes/No
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V.M.VELUMANI, J.
AND
R.HEMALATHA, J.

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