



WEB COPY



W.P.No.9748 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2023

CORAM :

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

and

**THE HONOURABLE MR.JUSTICE P. DHANABAL**

**W.P.No.9748 of 2023 and**

**WMP No.9832 of 2023**

M/s Kannappan Alloy and Steel Company  
Private Limited,  
rep. by its Managing Director  
Mr.T.S.P.Kannappan, S.F.No.262, Merku Thottam,  
Karadivavi Road, Anupatti Post, Palladam Taluk,  
Tiruppur 641 664. Tamil Nadu.

... Petitioner

Vs.

1. The District Collector,  
Tiruppur District, Tamilnadu.
2. The Tahsildar, Palladam Taluk,  
Palladam, Tiruppur District, Tamilnadu.
3. The Block Development Officer,  
Anupatti Village, Palladam Taluk,  
Tiruppur District 641 664, Tamil Nadu.
4. The President, Anupatti Panchayat Union,  
Anupatti Village, Palladam Taluk,  
Tiruppur District 641 664.



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5. The Chief Environmental Engineer,  
Tamil Nadu Pollution Control Board,  
76, Mount Salai, Guindy, Chennai 600 032.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus by calling for the records relating to the impugned order dated 22.03.2023 bearing Ref.No.Mu.Mu.1331/2023/AA2 issued by the second respondent and quash the same as being illegal, arbitrary and contrary to the provisions of law and consequently, direct the second respondent to conduct necessary enquiry and pass orders after affording personal hearing to the petitioner company.

For Petitioner : Mr.K.V.Babu

For Respondents : Mr.A.Selvendran, Spl.Govt. Pleader  
for R1 and R2

Mr.K.Karthikeyan, Govt. Advocate  
for R3 and R4

Mrs. Shanmugavalli Sekar, Standing Counsel  
for R5.



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ORDER

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(Order of the Court was delivered by D.KRISHNAKUMAR, J.)

This Writ Petition has been filed to quash the impugned order dated 22.03.2023 bearing Ref.No.Mu.Mu.1331/ 2023/AA2 issued by the second respondent and consequently, direct the second respondent to conduct necessary enquiry and pass orders after affording personal hearing to the petitioner company.

2. The case of the petitioner in brief, is as follows.

The petitioner Company is engaged in the business of manufacturing M.S.Billets, which is a semi-finished pre product of TMT Bars. The petitioner Company has been regularly paying Industrial Tax, Property Tax and other miscellaneous taxes to the 4th respondent, namely, Anupatti Village Panchayat, without any default. Further, they obtained renewal of necessary clearances/licenses from the appropriate authority, as per the statutory norms for the purpose of running the factory.



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2.1. The petitioner Company has applied to the 4th respondent for issuance of license certificate and the 4th respondent had granted license to the petitioner on 27.01.2023, vide resolution No.44. Thereafter, the 4th respondent issued a notice dated 16.03.2023, calling upon the petitioner Company to furnish details regarding the permission order obtained for the construction of the factory from all the Departments, within 7 days. The petitioner Company has given a detailed explanation on 22.03.2023 setting out the details of permission obtained from the various authorities. However, on 22.03.2023 itself, the 2nd respondent issued an order, informing that the manufacturing operation of the factory of the petitioner Company is temporarily suspended. Without granting any opportunity to the petitioner Company to place its explanation, the second respondent has passed the impugned order. The petitioner Company is employing over 75 employees in the factory at Anupatti Village and that apart, there are several ongoing projects, which will be affected, due to the impugned order. Therefore, the impugned order passed by the 2nd respondent has to be quashed and the 2nd respondent has to be directed to conduct necessary enquiry and after affording opportunity of hearing the petitioner, pass



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orders.

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3. The learned counsel for the petitioner submitted that license with respect to air and water clearance was issued by the Tamil Nadu Pollution Control Board till 31.03.2023. Therefore, the petitioner preferred an on-line application for renewal of license with the Tamil Nadu Pollution Control Board and the Board has issued a letter on 20.03.2023, by giving instructions for some compliance. The petitioner Company has also sent details, complying the instructions given by the Board. In such circumstances, the second respondent has passed the impugned order, temporarily suspending manufacturing operation of the factory run by the petitioner Company, without any notice or affording opportunity of personal hearing to the petitioner. He further submitted that, vide order dated 31.05.2023, the Tamil Nadu Pollution Control Board has granted Renewal of Consent for Air and Water under the Prevention and Control of Pollution Act, for the period ending on 31.03.2025. Therefore, he seeks to quash the impugned order and also give direction to the second respondent to conduct enquiry and pass orders, after hearing the petitioner.



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4. The learned Standing Counsel appearing for the 5th respondent fairly submitted that on 31.05.2023, the Tamil Nadu Pollution Control Board has issued "Renewal of consent" to the petitioner Company for operation of the plant and discharge of emissions and the validity period is till March 31, 2025. He further submitted that, to run the factory, the petitioner Company has to satisfy the authorities concerned, as per the provisions of the Act and they have to obtain permission from the concerned Panchayat.

5. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents.

6. It is seen from the records that the Tamil Nadu Pollution Control Board has granted Renewal of Consent to the petitioner Company under Section 21 of the Air (Prevention and Control of Pollution) Act 1981, as amended in 1987 (Central Act 14 of 1981); and also under Section 25 of the Water (Prevention of Control of pollution) Act, 1974, as amended in 1988 (Central Act, 6 of 1974) to operate the industrial plant till 31.03.2025.



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It is also seen from the impugned order dated 22.03.2023 that since the Village people of Anupatti Village, Palladam Taluk, Tiruppur District have made protest to run the Factory and also considering the fact that the Tamil Nadu Pollution Control Board has returned the on-line renewal application of petitioner Company for some rectification, the second respondent has issued the above said impugned order, temporarily suspending manufacturing operation of the factory run by the petitioner Company. However, pending writ petition, the Tamil Nadu Pollution Control Board has granted Renewal of Consent till 31.03.2025, as stated supra.

7. Therefore, considering the fact that the Tamil Nadu Pollution Board has granted renewal of consent till 31.03.2023, we inclined to quash the impugned order passed by the second respondent. At the same time, to run the factory and machineries, the petitioner Company has to obtain appropriate permission from the concerned Panchayat under the provisions of the Tamil Nadu Panchayat Act or any other Act, if applies for running the Factory of the petitioner Company.



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8. With the above observation, the impugned order passed by the second respondent 22.03.2023 is quashed. Consequently, connected miscellaneous petition is closed. No costs.

**(D.K.K.J.) (P.D.B.J.)**

**05.06.2023**

mst

To

1. The District Collector,  
Tiruppur District, Tamilnadu.
2. The Tahsildar, Palladam Taluk,  
Palladam, Tiruppur District, Tamilnadu.
3. The Block Development Officer,  
Anupatti Village, Palladam Taluk,  
Tiruppur District 641 664, Tamil Nadu.
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