



WEB COPY



W.P.No.12188 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.09.2023

CORAM

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU
AND
THE HONOURABLE Mr.JUSTICE V.LAKSHMINARAYANAN

WP.Nos. 12188 of 2023
and
WMP.Nos.12025 & 12027 of 2023

P.Kannan,
S/o Perumal,
aged about 45 years,
proprietor, M/s.SMS Bricks-II
(M/s.J.K.Bricks),
Mallamoopampatti Village,
Ramagoundanoor, Muniyappan Kovil Kadu,
Ayyamperumampatti Post,
Salem - 636 302.

..Petitioner

Vs

1. Tamilnadu Pollution Control Board,
rep. by its Chairperson,
No.76, Mount Road,
Guindy, Chennai – 600 032.
2. The Joint Environmental Engineer (M),
Tamilnadu Pollution Control Board,
No.9, 4th Cross Street,
Brindhavan Road, Fairlands,
Salem – 638 016.



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3. The District Environmental Engineer,
Tamilnadu Pollution Control Board,
Siva Tower, Post Box No.457,
No.1/276, Meyyanur Main Road,
Salem – 636 004.

4. The Superintending Engineer,
TANGEDCO,
K.N.Colony P.O.,
Salem – 636 014.

5. The Assistant Engineer,
TNEB,
Mallamoopampatti,
Sundar Nagar,
Salem – 636 005.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records on the file of the respondents pertaining to the orders of the 1st respondent dated 03.04.2023 in (i) Proceeding No.TNPCB/T1/F.006058-6/SLM/Closure/Air/2023-3 and (ii) Proceeding No. TNPCB/T1/ F.006058-6/SLM/Closure/EB/Air /2023-4 and quash the same.

For Petitioners : Mr.T.Sai Krishnan

For Respondents : Mrs.Shanmugavallisekar
Standing Counsel for TNPCB for R1 to R3
Mr.Syed Sibghatulla,
Standing Counsel for TNEB for R4 & R5



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ORDER

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(The order of the Court was made by V.LAKSHMINARAYANAN,J.)

The petitioner seeks for Writ of Certiorari to call for the record from the file of the Tamilnadu Pollution Control Board in Proceedings No.TNPCB/T1/F.006058-6/SLM/Closure/Air/2023-3 and Proceeding No. TNPCB/T1/ F.006058-6/SLM/Closure/EB/Air /2023-4 dated 03.04.2023 and to quash the same.

2. The case of the petitioner is that they are manufacturers of fly ash bricks. According to them fly ash bricks comes under non polluting “white category” industry. Therefore, he would state that the order of closure is wrong and it has to be interfered with.

3. Mrs.Shanmugavallisekar, the learned Standing counsel for the Tamilnadu Pollution Control Board will bring to our notice section 17(1)(e) of the Air (Prevention and Control of Pollution) Act, 1981. Under the said provision, the Air Pollution Board has been empowered to give such direction to such persons in order to provide for the **prevention, control or abatement of air pollution**. According to her, a direction that have been



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given by the respondent is only to prevent the air pollution that takes place during the manufacturing process of fly ash bricks.

4. When this was pointed out to Mr.T.Sai Krishnan,the learned counsel appearing for the writ petitioners, he would state that they require three months time for the purpose of complying with the directions that had been given by the Tamilnadu Pollution Control Board. Therefore, while upholding the power of the Pollution Control Board to give a direction so as to prevent pollution from taking place, we grant the petitioners three months' time from today to comply with the norms and conditions that have been imposed by the Pollution Control Board for the purpose of prevention of air pollution. For the period of three months, the petitioners shall continue to indulge in business. It is made clear, in case, if the petitioners do not comply with the directions of the Pollution Control Board at the end of three months (05.12.2023) and install pollution prevention measures as suggested by the respondent Board, the Board is at liberty to invoke its powers under section 31A of the Air Act and Section 33A of the Water Act and take appropriate steps to prevent further pollution taking place.



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5. With the above directions, the Writ Petitions stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

6. Call on 05.12.2023 for reporting compliance.

(J.N.B.,J.) (V.L.N,J.)
05.09.2023

Index: Yes/No
Speaking/Non-speaking order
vsi

To

1. Tamilnadu Pollution Control Board,
rep. By its Chairperson,
No.76, Mount Road,
Guindy, Chennai – 600 032.
2. The Joint Environmental Engineer (M),
Tamilnadu Pollution Control Board,
No.9, 4th Cross Street, Brindhavan Road, Fairlands,
Salem – 638 016.
3. The District Environmental Engineer,
Tamilnadu Pollution Control Board,
Siva Tower, Post Box No.457,
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