

**IN THE HIGH COURT OF JUDICATURE AT MADRAS****DATED : 21.06.2023****CORAM****THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH****W.P No.18153 of 2023**
and W.M.P. No.17355 of 2023

VPR Blue Metals,
Represented by its Proprietor, Mr.Balraj,
S/o.Ramadass
Sri Lakshmi Narasimmar Nagar, Gopalan Kadai Road,
Iyyankuttipalayam, Puducherry – 605 009.

Petitioner

vs.

- 1.The Member Secretary,
Puduchery Pollution Control Committee,
3rd Floor, PHB Building, Anna Nagar,
Puducherry.
- 2.The Commissioner,
Oulgaret Municipality,
Jawahar Nagar, Boomiyampet, Puducherry – 605 010.
- 3.The Revenue Officer,
Department of Revenue and Disaster Management,
I-Floor, New Collectorate Building,
Vazhudavoor Road, Pettaiyanchathiram,
Puducherry – 605 009.
- 4.The Member Secretary,
State Ground Water Authority,
No.15, 3rd Cross Extension,
Mariamman Nagar, Karamanikuppam,
Puducherry – 605 004.



5. The Member Secretary,
Puducherry Planning Authority,
1st Main Road, Jawahar Nagar,
Kavery Nagar, Reddiarpalayam,
Puducherry – 605 005.

6. Sri Lakshmi Narasimmar Nagar Kudiyruppor Nalasangam,
Rep. by its President Mr.D.Srinivasan,
Sri Lakshmi Narasimmar Nagar,
Gopalan Kadai Road,
Iyyankuttipalayam, Puducherry – 605 009.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the Composite Direction/Order dated 22.04.2022 in No.640/PPCC/DIR/COM/OMO/JE/2022/506, passed by the 1st respondent, followed by a consequential Show Cause Notice dated 10.02.2023 in F.No.51-74/Engg/AE-1/2022-23, issued by the 2nd respondent and quash the same as illegal, arbitrary, capricious and consequently direct the 2nd respondent to issue Trade License forthwith to the petitioner.

For Petitioner : Mr.Vinoba

For Respondents : Mr.R.Nirmal Kumar
Government Advocate (Puducherry)
for R1 to R5

ORDER

This writ petition has been filed challenging the proceedings of the 1st respondent dated 22.04.2022 and the consequential Show Cause Notice dated 10.02.2023 issued by the 2nd respondent.



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2. Heard Mr. Vinoba, learned counsel appearing on behalf of the petitioner and Mr. R. Nirmal Kumar, learned Government Advocate appearing on behalf of the respondents 1 to 5.

3. The case of the petitioner is that they had obtained trade license from the 2nd respondent in the year 2018 and they are running the business of selling Blue Metals, Crusher Sand and other construction materials. The further case of the petitioner is that they had also applied for the renewal of the trade license on 04.03.2022 and the same was pending before the 2nd respondent.

4. The grievance of the petitioner is that the impugned proceeding dated 22.04.2022 came to be issued by the 1st respondent directing the petitioner to stop all the activities at the site. As a consequence, the Show Cause Notice dated 10.02.2023 came to be issued by the 2nd respondent directing the petitioner to close down the operation and to shift the business to some other locality, failing which, coercive steps will be initiated. Aggrieved by the same, the present writ petition has been filed before this Court.



5. In the considered view of this Court, if the petitioner was aggrieved by the impugned proceedings issued by the 1st respondent dated 22.04.2022, the petitioner should have challenged the same by way of filing an appeal as provided under the Water (Prevention and Control of Pollution) Act, 1974. Instead, the petitioner was continuing to do the business on the premise that they have already applied for renewal of trade license and it was pending before the 2nd respondent. Such attitude on the part of the petitioner can never be appreciated. When an authority has directed the closure of an unit on the ground that it is causing pollution, nuisance and health hazard, the petitioner has to either close down the business or if they are aggrieved, they have to challenge the order in the manner known to law. The petitioner cannot be allowed to continue the business without resorting to either of these two options. The Show Cause Notice that was issued by the 2nd respondent was only a consequence of the order passed by the 1st respondent.

6. This Court does not find any illegality in the order passed by the 1st respondent and the Show Cause Notice issued by the 2nd respondent and this Court does not find any merits in this writ petition. If the petitioner is so advised, it is left open to the petitioner to workout their remedy in accordance with law.



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7. Accordingly, this writ petition stands dismissed. No Costs.

Consequently, connected miscellaneous petition is closed.

21.06.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
SSR

To

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N. ANAND VENKATESH, J.

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