



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2023

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.17215 of 2023
and WMP.No.16389 and 16391 of 2023

Global Coco Products,
Rep. By its Partner G.Karthigeyan,
Veeranampalayam Post,
Tiruppur District.

... petitioner

-Vs-

1. The District Collector,
Tiruppur.

2. The Tahsildar
Kangeyam.

3. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Tiruppur.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, for issuance of Writs of Mandamus Certiorarified Mandamus to call for the records of the 1st respondent in Ref. No. 24062 / 2021 /D3 dated 12.11.2021 by the 1st respondent and quash the same and consequently direct the 1st respondent to remove the name of the Petitioners firm from the list of defaulters for non-compliance.

For petitioner : Mr. K.S.Jayaganeshan

For Respondent : Mr.M.Alagu Gautham, GA RR1 & 2

**ORDER**

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Challenging the order passed by the first respondent dated 12.11.2021, the present writ petition has been filed.

2. It is the case of the petitioner that the petitioner firm has been started in the year 2011 and for setting up a factory and to produce charcoal using coconut shells. The petitioner firm intended to start the unit Kangeyam and therefore, the land was purchased with an extent of 8.11 acres by the partners in S.F.No.1072/1, 1073/2, 1074/2 and 1074/4 in Veeranampalayam Village, Kangeyam Taluk, Tiruppur District. The petitioner submitted an application to the third respondent on 22.07.2011 and the same was granted to the petitioner by the third respondent vide order dated 05.08.2011 stating that the consent to establish was valid for two years or till the industry obtains consent to operate under Section 25 of the Water (Prevention and Control of Pollution) Act, 1974 as amended in 1988. After obtaining permission from the third respondent, the petitioner firm did not start the unit and the land remains vacant as unutilized.

3. Such being the position, the residents of the said locality had filed a case before the National Green Tribunal (NGT) challenging the order of



permission granted to other units for production of Charcoal in the same locality.

The petitioner was not a party in the said case proceeding before the NGT and the petitioner did not know the result of the case before the NGT. The petitioner has not started the units and the permission alone was obtained and no work was commenced by the petitioner and the land is lying vacant till now.

4. The joint assessment committee constituted by the NGT had not made enquiry with the petitioner before including the petitioner unit the list of Pollution causing units and the committee did not inspect the land. However, the NGT passed an order directed the petitioner firm to pay a sum of Rs.3,35,967/- along with the other polluting firms. The petitioner came to know about the order only when the revenue recovery notice dated 12.11.2021 was issued by the first respondent. After receiving the said notice from VAO, the petitioner gave a reply on 16.03.2023 to the first respondent and the said reply is not consider. Hence, without having no other option, the petitioner has filed the present writ petition before this Court.

5. The learned counsel for the petitioner submitted that the petitioner did not have any notice earlier in respect of the proceedings and the petitioner is



not a party in the case proceedings before the NGT. The NGT, without giving any opportunity to the petitioner, passed the present impugned order, which is not sustainable one and the same is liable to be quashed.

6. Per contra, the learned Additional Government Pleader submitted that the petitioner can very well canvass the issue before the NGT after filing their objection.

7. In reply, the petitioner has not raised any objection for the submission made by the Government Counsel. The learned counsel further submitted, on instructions, that the petitioner, without prejudice to their rights, is ready to deposit at 50% of the penalty amount before the first respondent.

8. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents and perused the materials placed on record.

9. Considering the facts and circumstances of the case and also having regard to the submissions made by the Learned counsel appearing on either side,



this Court , without interfering with the impugned order and without expressing any opinion on the merits of the case, passed the following orders]:

i. The petitioner, without prejudice to their rights, shall deposit 50% of the penalty to the first respondent within a period of four weeks from the date of receipt of a copy of this order;

ii. the petitioner shall make their objection before the NGT along with all the necessary documents and also a copy of the payment receipt;

iii. after perusing the receipt of payment and the relevant documents as stated supra, the NGT shall consider the same and pass appropriate orders, on merits and in accordance with law, within a period of four weeks from the date of deposit;

iv. if the petitioner fails in the said proceedings before the NGT, it is open to the first respondent to collect the remaining amount from the petitioner and disburse the same to the affected persons, as expeditiously as possible."

10. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

09.06.2023

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M.DHANDAPANI, J.

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To

1. The District Collector,
Tiruppur.

2. The Tahsildar
Kangeyam.

3. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Tiruppur.

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