



W.P.No.18935 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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A.Sivamani

.. Petitioner

VS

- 1.The Collector,
Cuddalore District,
Cuddalore-1.
- 2.The Member Secretary,
Rural Planning Commission,
6/4, Srinivasam Pillai Street,
Pudupalayam,
Cuddalore-1.
- 3.The Block Development Officer,
Cuddalore Panchayat Union,
Cuddalore-1.
- 4.The District Environmental Officer,
Tamil Nadu Pollution Control Board,
Plot No.A3, SIPCOT Industries Campus,
Kudikadu, Cuddalore-607 005.



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5.The General Manager,
M/s.Clariant Chemical India Limited,
Kudikadu,
SIPCOT Post,
Cuddalore Taluk.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents 1 to 4 to demolish and remove the unauthorized, illegal construction made by the fifth respondent in the name of extension of building situated at SIPCOT Post, Kudikadu Village and prevent the illegal discharging of effluents from the chemical factory.

For the Petitioner : Mr.S.Doraisamy

For the Respondents : Mrs.R.Anitha
Spl. Government Pleader
for respondents 1 to 3

: Ms.Shanmugavalli Sekar
Standing Counsel
for respondent No.4

: Mr.Shivakumar
for M/s.Shivakumar & Suresh
for respondent No.5

ORDER

(Order of the court was made by the Hon'ble Chief Justice)

We have heard Mr.S.Doraisamy, learned counsel for the petitioner; Mrs.R.Anitha, learned Special Government Pleader for



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respondents 1 to 3; Ms.Shanmugavalli Sekar, learned Standing Counsel for respondent No.4; and, Mr.Shivakumar, learned counsel for M/s.Shivakumar and Suresh, learned counsel for respondent No.5.

2. Learned counsel for the petitioner submits that because of the industry run by the fifth respondent, pollution is caused to the water and air. Moreover, the expansion of 15,000 square feet is made without obtaining necessary permission. The said information has been received by the petitioner under the Right to Information Act, 2005.

3. Learned counsel for the fourth respondent/Tamil Nadu Pollution Control Board submits that consent to operate has been issued to the fifth respondent by the Tamil Nadu Pollution Control Board on 21.6.2023 and the same is valid up to 31.03.2024.

4. Learned counsel for the fifth respondent submits that permission for expansion has been granted by the third respondent



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and now the same has been referred to the first respondent. The necessary charges have been paid by the fifth respondent.

5. The first respondent shall decide the said application, preferably within three months. As consent to operate the industry has already been given by the Tamil Nadu Pollution Control Board, it is for the Tamil Nadu Pollution Control Board to monitor and supervise that the effluents, if any, are not emitted/treated properly and the pollution is not caused.

6. With these observations, the writ petition is disposed of. There will be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No
Neutral Citation : Yes/No
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