



W.P.No.2797 of 2018

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED: 17.04.2023

CORAM:

**THE HONOURABLE MS.JUSTICE V.M.VELUMANI**

**and**

**THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN**

**W.P.No.2797 of 2018**

**and**

**W.M.P.Nos.3451 & 3452 of 2018**

K.Gnanasekaran

.. Petitioner

**Vs.**

1.The District Collector,  
Vellore District,  
Vellore.

2.The Executive Officer,  
Selection Grade Town Panchayat,  
Sholinghur, Vellore District.

3.P.Sampath

4.The Tamil Nadu Pollution Control Board,  
Rep. by its Member Secretary,  
Chennai – 600 032.

.. Respondents

(R4 suo motu impleaded as per  
order of this Court dated 12.07.2018  
in W.P.No.2797 of 2018)



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**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to remove the Agarthi Manufacturing unit which runs by the 3<sup>rd</sup> respondent and from running unit at No.7, Valluvar Street, West Bordinpet, Sholinghur, Vellore District.

|                |                                            |
|----------------|--------------------------------------------|
| For Petitioner | : Mr.S.Sathia Chandran                     |
| For R1         | : Mr.R.Vigneshwaran<br>Government Advocate |
| For R2         | : Ms.R.L.Karthika<br>Government Advocate   |
| For R3         | : Mr.G.Jeremiah                            |
| For R4         | : Ms.Yasmeen Ali                           |

### **ORDER**

(Order of the Court was delivered by V.M.VELUMANI,J.)

The petitioner has come out with the present Writ Petition for a direction to the respondents to remove the Agarthi Manufacturing unit which was running by the 3<sup>rd</sup> respondent at No.7, Valluvar Street, West Bordinpet, Sholinghur, Vellore District.

2.According to petitioner, the 3<sup>rd</sup> respondent is running Agarthi



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Manufacturing Unit at No.7, Valluvar Street, West Bordinpet, Sholinghur, Vellore District, which is a residential area, without obtaining any permission and license from the authorities.

3.The learned counsel appearing for the petitioner submitted that the Agarpathi Manufacturing process causes air pollution and health hazard to the people in that locality. Earlier, the petitioner filed application in A.No.56 of 2016 before the National Green Tribunal, Southeren Zone, Chennai. Before the National Green Tribunal, the 2<sup>nd</sup> respondent has stated that the 2<sup>nd</sup> respondent has locked and sealed the premises in question. The 3<sup>rd</sup> respondent has submitted that he is not running Agarpathi Manufacturing unit in the property in question. The learned counsel appearing for the petitioner further submitted that the 3<sup>rd</sup> respondent had broken the lock and seal put up by the 2<sup>nd</sup> respondent and running Agarpathi Manufacturing unit. This Court, by the order dated 13.03.2023, directed the 3<sup>rd</sup> respondent to file affidavit of undertaking that the 3<sup>rd</sup> respondent has closed the unit in question and he will not run the unit in the property in question and this Court also directed the respondents 1 & 2 to inspect the unit in question and file a status report. On 27.03.2023, the learned counsel appearing for the 3<sup>rd</sup> respondent



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submitted that the 3<sup>rd</sup> respondent is not running Agarthi Manufacturing unit in the premises in question and the 3<sup>rd</sup> respondent is not willing to file an affidavit of undertaking.

4.Today, Ms.R.L.Karthika, learned Government Advocate appearing for the 2<sup>nd</sup> respondent produced a letter dated 06.04.2023, written by the 2<sup>nd</sup> respondent addressed to the Government Advocate, High Court of Madras, Chennai, stating that the property in question was inspected on 23.03.2023 and the 3<sup>rd</sup> respondent is not running any Agarthi Manufacturing unit in the said premises and he is using the premises only for residential purposes. The 2<sup>nd</sup> respondent also stated that the 3<sup>rd</sup> respondent has not obtained any license for running Agarthi Manufacturing unit.

5.Heard the learned counsel appearing for the parties and perused the entire materials on record.

6.In view of the above submissions made by the learned counsel appearing for the parties, the 2<sup>nd</sup> respondent is directed to inspect the premises often and if there is any complaint given by the petitioner or



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any third party, the 2<sup>nd</sup> respondent is directed to take action immediately, including locking and sealing of the premises.

7. With the above directions, the Writ Petition is disposed of. Consequently, the connected Miscellaneous Petitions are closed. No costs.

(V.M.V., J) (V.L.N., J)  
17.04.2023

krk

Index : Yes / No  
Internet : Yes / No  
Neutral Citation : Yes / No

To

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Vellore.
2. The Executive Officer,  
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**V.M.VELUMANI, J.**



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and

**V.LAKSHMINARAYANAN, J.**

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