



WEB COPY



W.P.No.25827 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2023

CORAM

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

W.P.No.25827 of 2022
and
W.M.P.Nos.24899 & 24900 of 2022

Raneko Tech rep. by its Proprietrix,
Tmt.Vanitha Nalini,
No.23/4, Mangalam road,
Uruvaiyar, Villianur Commune,
Puducherry - 605 110.

..Petitioner

Vs

1. Puducherry Pollution Control Committee,
rep. by tis Member Secretary, PHB Building,
III Floor, Anna Nagar, Puducherry-5.
2. The Secretary,
Department of Local Administration,
Chief Secretariat,
Puducherry - 605 001.
3. The District Collector,
Collector Office, Thatanchavadi,
Puducherry - 605 001.
4. The Deputy Collector,
Villianur, Puducherry - 605 110.



W.P.No.25827 of 2022

5. The Primary City Organizer,
Villianur and Town Organizer,
Jawahar Nagar, Puducherry - 605 005.

6. The Commissioner,
Villianur Commune Panchayat,
Villianur, Puducherry - 605 110.

7. Registrar, National Green Tribunal (SZ) Bench,
Kalas Mahal, Kamarajar Salai, Chempauk,
Triplicane, Chennai - 600 005.

8. M.Ezhumalai,
S.o Manjini Gounder.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the entire records relating to the order dated 24.02.2022 of the Hon'ble National Green Tribunal (SZ) Bench, Chennai in O.A.No.215 of 2021 (SZ) insofar as the directions in para 19(i) to (iii) and the Proceedings No.5568/PPCC/SCN/VCP/JE-1/2022/645 dated 26.05.2022 on the file of the 1st respondent herein and quash the same and consequently direct the 1st respondent herein to grant consent to operate the unit of the petitioner herein.

For Petitioner : Ms.R.T.Shyamala
for Mr.M.Velmurugan

For Respondents : Ms.A.Sathya Bama for R1
Mr.J.Kumaran
Additional Government Pleader (Pondy)
for R2 to R6
No appearance for R7
Mr.M.Gananasekar for R8



W.P.No.25827 of 2022

ORDER

WEB COPY

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

This writ petition challenges the order of the National Green Tribunal in its proceedings O.A.No.215 of 2021 dated 24.02.2022.

2. Heard Ms.R.T.Shyamala, learned senior counsel appearing for Mr.Velmurugan, learned counsel for the petitioner, Ms.Sathyabama, learned standing counsel for the 1st respondent, Mr.J.Kumaran, learned Additional Government Pleader (Pondicherry) appearing for the 2nd to 6th respondents and Mr.M.Gnanasekaran, learned counsel for the 8th respondent.

3. The primary ground which was urged by Ms.R.T.Shyamala is that prior to the disposal of the Original Application, an opportunity was not given to the writ petitioner, who was the 7th respondent. We went through the order and found that the 7th respondent has been given an opportunity to file his counter statement, but did not avail the said opportunity. Natural justice is not a straight jacket formula and the Tribunal need not keep waiting for the 7th respondent to file his counter and adjourn the matter *ad nauseam* for the writ petitioner, as the 7th respondent in the O.A. had been given sufficient opportunity and the writ petitioner had failed to avail it. Therefore, the Tribunal rightly passed an order on the basis of the available



W.P.No.25827 of 2022

records.

WEB COPY

4. We went through the operative portion of the order and did not find anything adverse to the 7th respondent. The Tribunal had come to a clear and categorical conclusion that the 7th respondent is operating the unit without obtaining necessary "consent to operate" from Pondicherry Pollution Control Board. Therefore, it was in those circumstances, the 7th respondent was restrained from operating the Unit till it receives permission.

5. Ms.R.T.Shyamala, would state that the Unit was working till 8.8.2023, whereas Mr.M.Gnanasekran, learned counsel would state that it was operating till 28.08.2023. These are matters which need not detain us in a Writ of Certiorari for, it is for the Pollution Control Board to take a call on the application filed by the writ petitioner dated 7.8.2020.

6. We had noticed that 7th respondent had not paid damages caused to the environment, which had been assessed, by the Board. Ms.R.T.Shyamala had brought the demand drafts for Rs.10,44,250/- dated 19.08.2023 and Rs.5,78,750/- dated 02.09.2023 being the amount assessed as damages. The said demand drafts have been received by Ms.Sathyabama and this closes the issue of damages that had been levied on the writ



W.P.No.25827 of 2022

petitioner.

7. The writ petitioner, having complied with that portion of the order, while upholding the order of National Green Tribunal which has been impugned before us, we direct the Puducherry Pollution Control Board to decide on the application filed for consent to operate the Unit dated 07.08.2020 within a period of four weeks from the date of receipt of a copy of this order. Prior to the same, the Pollution Control Board shall hear the petitioner as well as the objectors if any, including the 8th respondent.

8. With the above directions, the Writ Petition is disposed of. We make it clear that till the consent is granted, the Writ Petitioner shall not operate the Unit. No costs. Consequently, connected miscellaneous petition is closed.

(J.N.B.,J.) (V.L.N,J.)
04.09.2023

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



W.P.No.25827 of 2022

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