



W.P.Nos.25966 of 2017 and 24748 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

W.P.Nos.25966 of 2017 and 24748 of 2015

W.P.No.25966 of 2017:

Rose Nagar Residence Welfare Association
(Reg. No.67/2008) No.3/336, Grace Illam
3rd Main Road, Rose Nagar, Kovilambakkam
Chennai - 129
rep by its President, T.Easwaradhas

.. Petitioner

Vs

- 1 The State of Tamil Nadu
rep by the Secretary
Public Work Department (R-2)
Chennai - 600 009.
- 2 The District Collector
Collectorate Office
Kancheepuram District
Kancheepuram.
- 3 The Executive Engineer
Ground Water Division
Public Work Department
Tharamani, Chennai.



W.P.Nos.25966 of 2017 and 24748 of 2015

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- 4 The Chairman
Chennai Metropolitan Water Supply & Sewerage Board
Chennai-2.
 - 5 The Chairman
Tamil Nadu Pollution Control Board
No.76 Anna Salai Guindy
Chennai-32
 - 6 The Chairman
Tamil Nadu Electricity Board
Mount Road, Chennai-2
 - 7 The Special Officer
Kovilambakkam Village Panchayat
Kovilambakkam, Chennai - 600 129.
 - 8 The Tahsildar
Sholinganallur Taluk
Sholinganallur, Chennai.
 - 9 The Block Development Officer
St.Thomas Mount Panchayat Union
Chittalapakkam, Chennai-45.
 - 10 G.S.K.Aqua Minerals/Aqua Fitzs
rep by its Proprietor, E.Sathishkumar
No.3/383 3rd Main Road
Rose Nagar Extension, Kovilambakkam
Chennai - 600 129.
- .. Respondents

Prayer in W.P.No.25966 of 2017: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus to direct respondents 2, 4 and 5 to conduct enquiry and take appropriate legal action as per the proceedings of the 9th respondent dated 29.7.2015 in Na.Ka. No.3838/2015/A5 and as per the proceedings of the 7th respondent dated 22.07.2015 to close the 10th respondent's illegal unit.



W.P.Nos.25966 of 2017 and 24748 of 2015

W.P.No.24748 of 2015:

G.S.K.Aqua Minerals

Rep. by its Proprietor, E.Sathishkumar

No.3/383, 3rd Main Road

Rose Nagar Extension

Kovilampakkam, Chennai-600 129.

.. Petitioner

Vs

1 The State of Tamilnadu

Rep. by the Secretary

Public Works (R2 Department)

Chennai - 600 009.

2 The President

Kovilampakkam 1st Grade Panchayat

Chennai - 600 129.

.. Respondents

Prayer in W.P.No.24748 of 2015: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari calling upon the records relating to the order dated 14.07.2015 of the 2nd Respondent and quash the same.

For the Petitioner in : Mr.T.Easwaradhas
W.P.No.25966 of 2017 Party-in-person

For the Petitioner in : No appearance
W.P.No.24748 of 2015

For the Respondents : Mrs.R.Anitha
Special Government Pleader
for respondents 1 to 3, 7 to 9
in W.P.No.25966 of 2017 and
respondents in W.P.No.24748
of 2015



W.P.Nos.25966 of 2017 and 24748 of 2015

- : Mr.L.Jaivenkatesh
for 6th respondent in
W.P.No.25966 of 2017
- : Ms.Shanmugavalli Sekar
for 5th respondent in
W.P.No.25966 of 2017
- : No appearance
for 10th respondent in
W.P.No.25966 of 2017
- : Mr.Krishna Ravindran
for 4th respondent in
W.P.No.25966 of 2017

COMMON ORDER

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

None appears on behalf of the petitioner in W.P.No.24748 of 2015. We have heard Mr.T.Easwaradhas, petitioner appearing in person in W.P.No.25966 of 2017; Mrs.R.Anitha, learned Special Government Pleader for respondents 1 to 3, 7 and 9 in W.P.No.25966 of 2017 and respondents in W.P.No.24748 of 2015; Mr.L.Jaivenkatesh, learned counsel for the sixth respondent in W.P.No.25966 of 2017; Ms.Shanmugavalli Sekar, learned counsel for the fifth respondent in W.P.No.25966 of 2017; and Mr.Krishna Ravindran, learned counsel for the fourth respondent in



W.P.Nos.25966 of 2017 and 24748 of 2015

W.P.No.25966 of 2017.

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2. W.P.No.24748 of 2015 is filed challenging the communication issued by the Panchayat to the effect that the permission from the Tamil Nadu Pollution Control Board is not obtained and, as such, the petitioner therein shall not proceed with the activity.

3. W.P.No.25966 of 2017 is filed seeking directions against respondents 2, 4 and 5 to conduct an enquiry and take appropriate legal action as per the proceedings of the ninth respondent dated 29.7.2015.

4. Learned counsel for the Tamil Nadu Pollution Control Board submits that the petitioner in W.P.No.24748 of 2015 has not obtained consent to operate from the Board. The Tamil Nadu Pollution Control Board has issued show cause notice to the petitioner therein.



W.P.Nos.25966 of 2017 and 24748 of 2015

5. Learned Special Government Pleader submits that in view of the show cause notice issued by the Tamil Nadu Pollution Control Board, the Panchayat would also take further action in accordance with law. It is further submitted that on 25.7.2023 notice has been given by the Panchayat to the petitioner in W.P.No.24748 of 2015.

6. In view of the fact that further action is being taken by the Tamil Nadu Pollution Control Board and the Panchayat, no further orders are required to be passed in these writ petitions.

The writ petitions are disposed of accordingly. There will be no order as to costs. Consequently, W.M.P.No.27548 of 2017 and M.P.No.1 of 2015 are closed.

(S.V.G., CJ.)

(P.D.A., J.)

12.09.2023

Index : Yes/No
Neutral Citation : Yes/No
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W.P.Nos.25966 of 2017 and 24748 of 2015

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State of Tamil Nadu
Public Works Department (R-2)
Chennai - 600 009.
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Kancheepuram.
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- 4 The Chairman
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W.P.Nos.25966 of 2017 and 24748 of 2015

WEB COPY

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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESAVALU,J.

(sasi)

W.P.Nos.25966 of 2017 and 24748 of 2015

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W.P.Nos.25966 of 2017 and 24748 of 2015