



W.P.(MD)No.646 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :10.10.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.646 of 2021

Arumugasamy.T,

... Petitioner

Vs

1. The District Environmental Engineer
Tamilnadu Pollution Control
Board, No.23, Master Plan Area Sattur
Road, District Collectorate,
Virudhungar-626 002..

2. The District Collector,
Virudhunagar District Collectorate,
Virudhungar.

3. The Tahsildar,
Tahsildar Office, Sivakasi Taluk,
Sivakasi, Virudhunagar District.

4. The President,,
Panchayath Board Office, Pallapatti
Panchayath, Sivaksi.

5. Thazhampoorajan,
Proprietor of Charm Labels Private Ltd.,
D.No.6/1258 Indira Nagar Sivakasi,
Virudhunagar District.

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the 1 to 4 respondents to take appropriate action against the 5th respondent for creating air pollution by using hazards chemicals in his company by considering the petitioner representation dated 18.5.2020 within the period stipulated by this Court.

For Petitioner :Mr.Selvakumar.S,

For Respondents :Mrs.D.Farjana Ghoushia for R2 to R4
Special Government Pleader
Mrs.Vijayakumari Natarajan for R1
Mr.R.Rajmohan for R5

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the respondents to take action against the 5th respondent for creating air pollution by running a company dealing with hazardous chemicals by considering the representation made by the petitioner on 18.05.2020.

2. The first respondent has filed a counter affidavit. The relevant portion in the counter affidavit are extracted hereunder:

“5.It is respectfully submitted that the unit was



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under operation amidst of residences without consent of the board. Hence, show cause notice was issued to the unit vide proceeding dated 19.01.2021 under the provisions of Water (P&CP) Act 1974 as amended and Air (P&CP) Act 1981 as amended.

6.It is respectfully submitted that the unit replied for the showcause in the letter received in this office on 01.02.2021 wherein, the unit has stated that their unit is only tiny industry and only 2 employees are working in the firm. Further, the unit reported that they have taken all precautionary measures including providing 30 feet stack to discharge the colour from ink used for printing. The unit has also closed windows and doors in the working area so as to avoid odour emission in the outside. Further, they have provided Air conditioning in the working area to maintain working atmosphere in the working area since the doors and windows are closed. Further the unit has stated that unit has ready to apply for the consent of the board and operating the unit without any nuisance to the surrounding.

7.It is respectfully submitted that the unit was again surprisingly inspected on 11.02.2021. During inspection, the unit was functioning without the consent of the board, amidst residences. Hence, it was recommended to the board to issue direction to the unit for closure and



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disconnection of power supply to the unit under the provisions of water (P&CP) Act 1974 as amended and Air (P&C) Act 1981 as amended. Accordingly, the board has issued direction for closure of the unit and disconnection of power supply vide Proc. Dated 26.02.2021. Based on that TANGEDCO has disconnected the power supply on 08.03.2021.”

3. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

4. It is clear from the counter affidavit filed by the first respondent that already steps were taken for closure of the unit and for disconnection of the power supply. In view of the same, the grievance expressed by the petitioner has been redressed. This writ petition is disposed of accordingly.
No costs.

10.10.2023

NCC :Yes/No
Index :Yes/No
RR



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N.ANAND VENKATESH, J.

RR

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