



W.P(MD)No.1638 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2023

CORAM :

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

**W.P(MD)No.1638 of 2023
and
W.M.P(MD)No.1482 of 2023**

G. Pankiraj

... Petitioner

Vs.

1.The District Collector
Kanyakumari District
at Nagercoil.

2.The District Environmental Engineer,
Tamilnadu Pollution Control Board,
Water Tank Road,
Nagercoil,
Kanyakumari District.

3.The Assistant Director of Town Panchayat,
District Collector Office,
Kanyakumari District
at Nagercoil.



W.P(MD)No.1638 of 2023

4.The Tahsildar
Killiyoor Taluk,
Tholaiyavattam Post,
Kanyakumari District.

5.The Executive Officer
Killiyoor Town Panchayat,
Tholaiyavattam Post,
Kanyakumari District.

6.M.Dhas

7.D.K.Sanjai Salaji

.. Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 1 to 5 herein to take action on the petitioner's representation dated 12.01.2023 and consequently forbearing the respondents 6 and 7 from manufacturing any carry bags or any related products in Door No.1/151, 2, 1.ST-21 (Survey No.44/15 A1) of Killiyoor B Village, Killiyoor Taluk, Kanyakumari District.

For Petitioner : Mr.J.Bharathan

For Respondents : Mr.P.Thilak Kumar - for R1, R3 to R5

Government Pleader



WEB COPY



W.P(MD)No.1638 of 2023

Mrs.Vijayakumari Natarajan - for R2

Mr.G.Prabhu Rajadurai - for R6 & R7

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

Heard Mr.J.Bharathan, learned counsel for the petitioner, Mr.P.Thilak Kumar, learned Government Pleader appearing for respondents 1, 3 to 5, Mrs.Vijayakumari Natarajan, learned counsel appearing for the second respondent and Mr.G.Prabhu Rajadurai, learned counsel appearing for the respondents 6 and 7.

2. According to the learned counsel for the petitioner, without obtaining consent to establish and to operate from the Tamil Nadu Pollution Control Board, the respondents 6 and 7 are proceeding to manufacture plastic bags.

3. The learned counsel for the respondents 6 and 7 submits that the petition is misconceived. The respondents 6 and 7 are not going to manufacture plastic bags. The product is something altogether different. The learned counsel further submits that the respondents 6 and 7 have not started the manufacturing activity and they have applied for necessary permission to the Pollution Control Board.



W.P(MD)No.1638 of 2023

WEB COPY

4. As it is submitted that the manufacturing operation has not commenced, we will not dwell into the said aspect.

5. However, it is trite that permission from necessary authorities has to be obtained before the manufacturing process commences, the respondents 6 and 7 shall obtain necessary permission before starting any manufacturing operations. It is only after all the permissions are granted, then only the respondents 6 and 7 can operate the manufacturing process. The authorities may decide the application filed by the petitioner for permissions, on its own merits and in accordance with law.

6. With these observations, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[S.V.G., C.J.]

[C.K., J.]

29.08.2023

Index : Yes / No
Neutral Citation : Yes / No
RM



W.P(MD)No.1638 of 2023

To

WEB COPY

- 1.The District Collector
Kanyakumari District
at Nagercoil.
- 2.The District Environmental Engineer,
Tamilnadu Pollution Control Board,
Water Tank Road,
Nagercoil,
Kanyakumari District.
- 3.The Assistant Director of Town Panchayat,
District Collector Office,
Kanyakumari District
at Nagercoil.
- 4.The Tahsildar
Killiyoor Taluk,
Tholaiyavattam Post,
Kanyakumari District.
- 5.The Executive Officer
Killiyoor Town Panchayat,
Tholaiyavattam Post,
Kanyakumari District.



WEB COPY



W.P(MD)No.1638 of 2023

THE HONOURABLE CHIEF JUSTICE
and
C.KUMARAPPAN, J.

RM

W.P(MD)No.1638 of 2023

29.08.2023