



W.P.(MD)No.2272 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.2272 of 2023

and W.M.P.(MD)Nos.2051 and 2054 of 2023

Arumugam

... Petitioner

Vs.

- 1.The Chairman,
Tamil Nadu Pollution Control Board,
Guindy, Chennai.
- 2.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Kappaloor, Madurai.
- 3.The Superintending Engineer,
Madurai Electricity Distribution Circle,
Race Course Road, K.Pudur, Madurai.
- 4.The Assistant Executive Engineer (Distribution)
Annanagar,
Madurai – 625 020.

... Respondents



W.P.(MD)No.2272 of 2023

WEB COPY

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the impugned orders passed by the 1st respondent in his proceedings No.T2/TNPCB/F.000610/Closure/Water/2023 and T2/NPCB/F.000610/Closure/Air/2023 dated 13.01.2023 and on the consequential impugned orders passed by the 4th respondent in Letter Nos. U.Se.Po /Pa/A.Nagar /Ko.Va.Aa /A.No. 011/23, U.Se.Po/ Pa/A.Nagar/ Ko.Va.Aa/ A.No.013/23, and U.Se.Po/Pa/ A.Nagar/Ko.Va.Aa/A.No.012/23, dated 18.01.2023 and quash the same as illegal arbitrary and in violation of principles of natural justice.

For Petitioner : Mr.K.Govindarajan
for Mr.A.Balaji

For Respondent : Mrs.Vijakumari Natarajan for R1 & R2
Mr.S.Deenadhayalan,
Standing Counsel for R3 & R4

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

Challenging the impugned orders passed by the 1st respondent dated 13.01.2023 and the consequential impugned orders passed by the 4th respondent dated 18.01.2023, the petitioner has filed this Writ Petition.



W.P.(MD)No.2272 of 2023

WEB COPY

2. Pursuant to the direction issued by this Court dated 06.02.2023, the Joint Chief Environmental Engineer has inspected the petitioner's Mill on 13.02.2023 and inspection has been conducted between 2.30 p.m. to 5.30 p.m., and based on the said inspection, the Joint Chief Environmental Engineer has filed a report dated 17.02.2023 and observed as follows:

“8. It is respectfully submitted that compliance of the unit on the direction of the respondent Board issued under the Water and Air Act, which have been observed during the inspection of JCEE (M), Madurai on 13.02.2023 is submitted as follows:

Defects mentioned in the Closure Direction issued under Water Act

<i>Sl. No</i>	<i>Defects</i>	<i>Compliance</i>
<i>1.</i>	<i>The unit was surrounded by residences in all direction</i>	<i>As per the G.O.Ms.No.311 Housing and Urban Development Department dated 17.11.2006 and Local Planning Authority certificate dated 23.01.2009, survey numbers of the unit 55, 59 and 60 were declared as General Industrial area though the unit was surrounded by residences.</i>



W.P.(MD)No.2272 of 2023

WEB COPY

2.	<i>The unit has removed the machineries such as pump provided to the ETP and the ETP is not in operable condition.</i>	<i>The unit has rectified the defects in the ETP and the ETP was found to consist of the following components such as collection tank cum dosing tank, settling tank, filter feed tank, Dual media filter and 2 numbers of sludge drying bed. The unit has now provided 2 numbers of sludge drying bed. The unit has now provided 2 number of pumps for the operation of ETP. During inspection, the ETP was found to be in operation.</i>
3.	<i>The unit has made bye pass arrangement to discharge the trade effluent into residence.</i>	<i>Previously, the unit was discharging the untreated trade effluent into an open drain nearby residence. Now, the unit has provided the ETP and the treated trade effluent is being utilized in the unit's own land for gardening and the unit has plugged the bypass arrangements to the open drain.</i>

Defects mentioned in Closure Direction issued under Air Act.

<i>Sl. No</i>	<i>Defects</i>	<i>Compliance</i>
---------------	----------------	-------------------



W.P.(MD)No.2272 of 2023

WEB COPY

1.	<i>The unit was surrounded by residences in all direction</i>	<i>As per the G.O.Ms.No.311 Housing and Urban Development Department dated 17.11.2006 and Local Planning Authority certificate dated 23.01.2009, survey numbers of the unit 55, 59 and 60 were declared as General Industrial area though the unit was surrounded by residences.</i>
2.	<i>Husk has been stored in open place, which may spread to nearby houses.</i>	<i>The unit has reported that during the inspection 30.12.2022, only the rejected paddy from the paddy screening was stored in the open area within the unit premises. During inspection of the unit on 13.02.2023, it was noticed that the husk is being stored in the closed shed within the unit premises. The stored rejected paddy which was reportedly stored in open area was also cleared. No solid waste was found in open area within the unit premises.</i>

3. The learned counsel appearing for the respondents 1 and 2 submitted that the petitioner has complied with the defects pointed by the Board and therefore, the petitioner can approach the respondent Board for reopening of the Mill.



W.P.(MD)No.2272 of 2023

WEB COPY

4. In view of the above, this Court directs the first respondent to pass a fresh order, based on the report of the Joint Chief Environmental Engineer, dated 17.02.2023, within a period of one week from the date of receipt of a copy of this order. After receipt of the said order, the petitioner can make a request to the Electricity Board viz., the 4th respondent herein for restoration of electricity connection and the 4th respondent shall consider such request of the petitioner and pass orders as early as possible.

5. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K., J.] [L.V.G., J.]
01.03.2023

NCC : Yes / No
Index : Yes / No
vsm

Note: Issue order copy on 02.03.2023



W.P.(MD)No.2272 of 2023

WEB COPY

To

- 1.The Chairman,
Tamil Nadu Pollution Control Board,
Guindy, Chennai.
- 2.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Kappaloor,
Madurai.
- 3.The Superintending Engineer,
Madurai Electricity Distribution Circle,
Race Course Road,
K.Pudur, Madurai.
- 4.The Assistant Executive Engineer (Distribution)
Annanagar,
Madurai – 625 020.



WEB COPY



W.P.(MD)No.2272 of 2023

D.KRISHNAKUMAR, J.
and
L.VICTORIA GOWRI, J.

vsm

W.P.(MD)No.2272 of 2023

01.03.2023