



W.P.(MD).No.2909 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 30.11.2023

CORAM

**THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN**

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S.Suresh

.. Petitioner

Vs.

1.The District Collector,
Madurai District.

2.The Revenue Divisional Officer,
Madurai.

3.The Block Development Officer,
Madurai East Panchayat Union,
Race Course Road,
Madurai - 2.

4.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
SIDCO Industrial Estate,
Kappaloor,
Madurai – 625 008.

5.Ismail

.. Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents 1 to 4 to take necessary action as against the 5th respondent either to close or shift the factory run by the 5th respondent in the name of “Orange Furniture” situated at 2/265, -01, Hajees Garden, Thirumohur Road, Y.Othakkadai, Madurai 625 107 from the residential area into the industrial area on the basis of the petitioner's representations dated 27.08.2022 and 20.09.2022.

For Petitioner	: Mr.K.Suresh Kumar
For R-1 & R-2	: Mr.M.Lingadurai, Special Government Pleader
For R-3	: Mr.V.Nirmalkumar
For R-4	: Mrs.Vijayakumari Natarajan Standing Counsel
For R-5	: Mr.L.Prabakaran

ORDER

(Order of the Court was made by S.M.SUBRAMANIAM,J.)

The relief sought for in the present Writ Petition is to direct the respondents 1 to 4 to take necessary action as against the fifth respondent either to close or shift the factory run by the fifth respondent in the name of “Orange Furniture” situated at 2/265, -01, Hajees Garden, Thirumohur Road, Y.Othakkadai, Madurai 625 107 from the residential area into the



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industrial area on the basis of the petitioner's representations dated 27.08.2022 and 20.09.2022.

2. The fifth respondent is running a factory in the name and style of “Orange Furniture” and manufacturing the sofa and others. The factory is situated adjacent to the residence of the writ petitioner, who in turn made a complaint to the Tamil Nadu Pollution Control Board on the ground that the furniture mart is causing nuisance and noise pollution. Since the official respondents have failed to initiate action, the petitioner is constrained to move the present Writ Petition. However, as of now, the fifth respondent's furniture mart is not functioning.

3. The learned counsel appearing on behalf of the fifth respondent made a submission that the fifth respondent is ready to shift the premises to elsewhere. In this regard, an affidavit of undertaking has been filed by the fifth respondent stating that he will vacate the premises on or before 15th March 2024. Thereafter, the fifth respondent is to be restrained from running Orange Furniture in the said place.



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4. In case if the fifth respondent failed to remove the furniture mart on or before 15th March 2024, the respondents 1 to 4 are directed to evict the fifth respondent from the said premises within a period of two (2) weeks from 15.03.2024.

5. With the above direction, this Writ Petition stands disposed of.
There shall be no order as to costs.

(S.M.S.,J.) (V.L.N.,J.)
30.11.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm



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