



W.P.(MD) No. 9365 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.9365 of 2020

C.Isaac Arulraj

... Petitioner

Vs.

1.The Tamilnadu Pollution Control Board,
Rep by its Chairman,
76, Mount Salai, Guindy,
Chennai-600 032.

2.The District Environmental Engineer,
Tamilnadu Pollution Control Board,
No.30/12, SIDCO Industrial Estate,
Pettai, Tirunelveli-627 010.

3.The Block Development Officer/Commissioner,
Panchayat Union, Valliyur, Tirunelveli.

4.Chelladurai

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India,
praying for issuance of Writ of Certiorari, calling for the records relating
to the proceedings of the impugned notice in Na.Ka.No.A3/2485/2018



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dated 24.07.2020 and the consequent order in Na.Ka.No.A3/2485/2018 dated 28.07.2020 on the file of the third respondent and quash the same.

For Petitioner : Mr.S.Shanmugavel

For R1 & R2 : M/s.Vijayakumari Natarajan

For R3 : Mr.D.Ghandiraj
Special Government Pleader

For R4 : Mr.C.Susikumar

ORDER

This writ petition is filed for issuance of writ of Certiorari calling for the records relating to the proceedings of the impugned notice in Na.Ka.No.A3/2485/2018 dated 24.07.2020 and the consequent order in Na.Ka.No.A3/2485/2018 dated 28.07.2020 on the file of the third respondent and quash the same.

2.The petitioner was running a iron steel works in the name and style of Zion Iron Steel Works without obtaining a No Objection Certificate from the second respondent. Therefore, he was called upon to

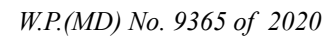


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remove the machinery in the premises. Thereafter, from a perusal of the writ petition it appears that the petitioner has re-started a new business of welding in the very same building from September 2017 in the name and style of Star Welding Works. Once again, this business has been started without obtaining a No Objection Certificate from the second respondent.

3. It appears that the fourth respondent had made a complaint against the petitioner and since no orders were passed on his representation, he had filed WP(MD) No.17033 of 2018 seeking a direction to close the petitioner's welding shop. Initially an order of injunction came to be passed restraining the petitioner from running the shop and thereafter the third respondent had issued an order dated 13.07.2018 directing the petitioner to close down his welding shop. Aggrieved by which, the petitioner had filed WP(MD) No. 18140 of 2018. By order, dated 10.10.2018, an interim order of stay was granted. Thereafter, the two writ petitions have been heard and this Court had directed the second respondent to inspect the premises and file a report.



5. A perusal of the report submitted in the earlier writ petition would clearly show that the petitioner herein is carrying on the business in the very same door number, where the earlier foundry, namely, Zion Iron Steel Works was running and the electricity service connection is the very same connection, which has been utilized by Zion Iron Steel Works, which had been closed and sealed by the Block Development Officer. In fact, the petitioner, after sealing of the premises, had submitted a representation dated 24.04.2015 and affidavit dated 03.10.2015 for de-sealing the premises to remove the machinery as the unit had identified alternate site. The seal was removed for this purpose and at



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this juncture, the petitioner has moved to this Court. A reading of the report would clearly show that the petitioner, after removing the seal, has continued to operate in the premises, which has been sealed by the authorities concerned pursuant to the orders of this court. The petitioner has not only circumvented the order of the Court but continued to flout it.

6. In these circumstance, I see no reason to interfere with the impugned order. Consequently, the writ petition stands dismissed.
No costs.

12.06.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
cp

To

The Block Development Officer/Commissioner,
Panchayat Union, Valliyur,
Tirunelveli.
Tirunelveli District.



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P.T.ASHA, J.

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