



W.P.(MD) No.12434 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.06.2023

CORAM:

**THE HON'BLE MR.SANJAY V. GANGAPURWALA,
CHIEF JUSTICE**

and

THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

**W.P.(MD) No.12434 of 2023
and WMP(MD) Nos.10535 & 10536 of 2023**

Thazhaiaimmal

... Petitioner

-VS-

- 1.The Chairperson
Tamil Nadu Pollution Control Board
No.76 Mount Salai, Guindy
Chennai 600032.
- 2.The District Environmental Engineer
Tamil Nadu Pollution Control Board,
Collectorate Campus, Dindigul 624 004
- 3.The Assistant Engineer
(Operation and Maintenance)
TANGEDCO, Ayyampalayam
Dindigul District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the



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impugned orders passed by the 1st respondent in his proceedings No.TNPCB/T1/E010381/DGL/Closure/Water/2023 -1 dated 15.05.2023 passed u/s. 33-A of the Water (Prevention and Control of Pollution) Act, 1974 and the proceeding No.TNPCB/T1/F.010381/DGL/Closure/Air/2023-3 dated 15.05.2023 passed u/s. 31-A of the Air (Prevention and Control of Pollution) Act, 1981 and consequential impugned proceedings passed by the 3rd respondent vide his proceeding in Ka.No.Vu.Mi.Po/Aa.Pa/Va.Aa/Ko.Ka/A.No.251/2023 dated 16.05.2023 and quash the same as illegal and consequently directing the 3rd respondent to restore the petitioner's Electricity connection in service connection No.245-003-1259 within the time stipulated by this Court.

For Petitioner : Mr.J.Lawrance

For Respondent : Ms.Vijayakumari Natarajan for R1 & R2
Mr.S.Deenadayalan for R3

ORDER

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

The petitioner is challenging the order passed by the respondent Board directing closure of the petitioner's unit.

2.We have heard the learned counsel for the petitioner.



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3.This Court had passed interim order on 24.05.2023. It is pointed out that the petitioner has a remedy of appeal under the said Act. In view of the substantive remedy available to the petitioner, we are not inclined to entertain the writ petition.

4.The writ petition is disposed of with liberty to the petitioner to avail the alternative remedy, in addition, all the contentions are kept open. The interim stay granted by this Court shall continue for a period of 15 days from today so as to enable the petitioner to take appropriate steps in the appeal. However, there is no order as to costs. Consequently connected Miscellaneous Petitions are closed.

[S.V.G., CJ.]

[R.S.M, J.]

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Index : Yes / No
Neutral Citation : Yes / No

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THE HON'BLE THE CHIEF JUSTICE
and
R.SUBRAMANIAN, J.

RR

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