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W.P.(MD)NO.16986 OF 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 03.01.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.16986 of 2019

Vaithilingam

... Petitioner

Vs.

1. The District Collector,
Tirunelveli District, Tirunelveli.

2. The Revenue Divisional Officer,
Tenkasi, Tirunelveli District.

3. The Tahsildar,
Tenkasi Taluk,
Tirunelveli District.

4. The Inspector of Police,
Pavoorchatram police station,
Tirunelveli District.

5. The Proprietor,
V.P.N.Modern Rice Mill,
Vinaitheerthanadarpatti 1st Street,
Thippanampatti,
Tenkasi Taluk,
Tirunelveli District.

6. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Tirunelveli.

(R-6 is suo motu impleaded
vide order dated 03.01.2023.)

... Respondents



Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing respondents 1 to 4 to take appropriate action for closure of the fifth respondent's V.P.N.Modern Rice Mill situated at Vinaitheerthanadarpati 1st Street, Thippanampatti, Tenkasi Taluk, Tirunelveli District, as per invoking under Section 133 Cr.P.C. on the basis of the petitioner's representation dated 03.05.2019.

For Petitioner : Mr.B.Anandan

For R-1 to R-3 : Mr.M.Siddharthan,
Additional Government Pleader.

For R-4 : Mr.B.Thanga Aravindh,
Government Advocate (Crl. Side).

For R-5 : Mr.H.Arumugam

For R-6 : Ms.Vijayakumari Natarajan

* * *

ORDER

Heard the learned counsel on either side.

2. The grievance of the petitioner is that the fifth respondent by running his modern rice mill is causing nuisance and that therefore, action should be taken for closing



the same under Section 133 Cr.P.C. The fifth respondent has been running the rice mill since 2011. Originally, the Tamil Nadu Pollution Control Board had issued consent and also renewed the same. However, on account of the dispute raised by the petitioner and the pendency of the writ petition, it appears that the renewal application is not being processed.

3. I direct the impleaded Tamil Nadu Pollution Control Board, to pass order on the petitioner's application on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order. The rights of the parties will abide by the outcome of the said proceedings. This writ petition stands disposed of. No costs.

03.01.2023

Index : Yes / No

Internet : Yes/ No

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To:

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G.R.SWAMINATHAN,J.

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03.01.2023