

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.09.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.7685 of 2015 AND
M.P.(MD)No.1 of 2015

Alexander

... Petitioner

Vs.

1. The District Collector,
Pudukkottai District,
Pudukkottai.
2. The District Environmental Engineer,
Tamilnadu Pollution Control Board,
T.S.No.6919, Big Street,
Pudukkottai, Pudukkottai District.
3. The Deputy Director,
Industrial Security and Health Department,
T.S.No.412, Keela Third Street,
Pudukkottai, Pudukkottai District.
4. The District Forest Officer,
District Forest Office,
Machuvadi,Pudukkottai,
Pudukkottai District.
5. The Executive Engineer,
Tamil Nadu Electricity Board,
Pudukkottai Electricity Distribution Circle,
Pudukkottai,
Pudukkottai District.

6. The Tahsildar,
Pudukkottai Taluk,
District Forest Office,
Pudukkottai, Pudukkottai District.

7. S.John Kennedy

8. Mehnisha Roshi

(R-8 is impleaded vide order dated 03.08.2023
in W.M.P.(MD)No.15769 of 2023)

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st to 6th respondents herein to take appropriate legal action in accordance with law against the 7th respondent's saw mill situated at Survey No.345, S.Melappatty Village, Sampatty Viduthi Post, Pudukkottai District as per the petitioner's representation/complaint dated 31.03.2015.

For Petitioner : Mr.J.Selvarajan

For R-1, R-3,
R-4 & R-6 : Mr.SR.A.Ramachandran,
Additional Government Pleader.

For R-2 : Ms.Vijayakumari Natarajan

For R-5 : Mr.S.Dheenadayalan

For R-7 : Mr.D.Sadiq Raja

For R-8 : Mr.M.Mahaboob Athiff

* * *

ORDER

Heard the learned counsel on either side.

2. The petitioner wants this Court to direct the authorities to take action against the eighth respondent who is presently running a saw mill at the petition-mentioned site. The eighth respondent had subsequently filed W.P.(MD) No.21227 of 2023 and a learned Judge of this Court vide order dated 31.08.2023 had allowed the same. The Pollution Control Board has filed status report and except stating that the unit is being run without obtaining consent. It is substantially in favour of the contesting respondent.

3. Since the authorities are also cognizant of the issue, the question of this Court issuing direction does not arise. At the same time, the concerns expressed by the writ petitioner will have to be taken into account. The petitioner's allegation is that the activities of the eighth respondent are posing health hazard to the petitioner and his family members. In response to the said allegation, the eighth respondent through her counsel gave a categorical undertaking before this Court

that the activities of saw mill will be conducted in such a manner and that even the slightest nuisance is not posed to the petitioner in any manner.

4. I make it clear that if this undertaking is breached, the petitioner would be entitled to move this Court by filing a contempt petition. The eighth respondent through her counsel submitted that she is agreeable for the said course of action. The petitioner through his counsel is permitted to serve a memo on the learned counsel for the eighth respondent cataloging his concerns. The eighth respondent shall address all of them. Recording the undertaking of the eighth respondent that the saw mill will be run without causing any inconvenience or difficulty to the petitioner, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

14.09.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PMU

To:

1. The District Collector,
Pudukkottai District,
Pudukkottai.
2. The Deputy Director,
Industrial Security and Health Department,
T.S.No.412, Keela Third Street,
Pudukkottai, Pudukkottai District.
3. The District Forest Officer,
District Forest Office,
Machuvadi,Pudukkottai,
Pudukkottai District.
4. The Tahsildar,
Pudukkottai Taluk,
District Forest Office,
Pudukkottai, Pudukkottai District.

G.R.SWAMINATHAN,J.

PMU

W.P.(MD)No.7685 of 2015

14.09.2023