



W.P(MD)No.28665 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.01.2023

CORAM :

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR  
and  
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P(MD)No.28665 of 2022

A.Justin Raj

... Petitioner

vs.

1. The District Collector,  
Collector Office,  
Trichy District.

2. The District Environmental Engineer,  
Tamil Nadu Pollution Control Board,  
No.25 Developed Plots,  
Thuvakudi,  
Trichy-15,  
Trichy District.

3. The Commissioner,  
Trichy City Corporation,  
No.58, Bharathiyar Road,  
Cantonment,  
Trichy,  
Trichy District-1.

4. Mr.Murugan  
Murugan Silver Kudam Pattarai,  
Maraimalaiadigalar Street,  
Sangiliyandapuram,  
Trichy District.

... Respondents



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**PRAYER :** Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the 3<sup>rd</sup> respondent herein to take appropriate action on the 4<sup>th</sup> respondent herein for illegally running M/s.Murugan Silver Kudam workshop in a property situated at Maraimalaiadigalar Street, Sangiliyandapuram, Trichy District, in the light of order passed by 2<sup>nd</sup> respondent in his proceedings dated 15.06.2022 and on the basis of petitioner's representation dated 29.06.2022 within a stipulated period as may be fixed by this Court.

|                |                                        |
|----------------|----------------------------------------|
| For Petitioner | : Mr.R.Sakthivel                       |
| For R1         | : Mr.P.Thilakkumar, Government Pleader |
| For R2         | : Mrs.Vijayakumari Natarajan           |
|                | Standing Counsel                       |
| For R3         | : Mr.R.Baskaran, Standing Counsel      |
| For R4         | : Mr.M.Jerin Mathew                    |

### **ORDER**

**(Order of the Court was made by D.KRISHNAKUMAR, J.)**

The prayer in this writ petition is for issuance of a Writ of Mandamus, directing the 3<sup>rd</sup> respondent to take appropriate action on the 4<sup>th</sup> respondent for illegally running M/s.Murugan Silver Kudam workshop in a property situated at Maraimalaiadigalar Street, Sangiliyandapuram, Trichy District, in the light of the order passed by 2<sup>nd</sup> respondent in his proceedings dated 15.06.2022 and on the



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basis of the petitioner's representation dated 29.06.2022 within a time frame.

2. The 2<sup>nd</sup> respondent has filed a status report and the relevant portion of the same reads as under:-

"It is respectively submitted that as per TNPC Board Proceeding No 06 dated 02.08.2016, the activity of the 4<sup>th</sup> respondent unit falls under WHITE Category with the type code "4014- Engineering and fabrication units (dry process without any heat treatment / metal surface finishing operations / painting)". As per the CPCB direction dated 07.03.2016, there shall be no necessity of obtaining the "Consent to Operate" for white category of industries and an intimation to concerned SPCB shall suffice. However, the 4<sup>th</sup> respondent unit has not made intimation regarding its operation. Hence TNPCB is not issuing consent to the above type of industries operating in the residential area as per Water (P&CP) Act, 1974 and the Air (P&CP) Act, 1981 as amended.

It is respectfully submitted that in view of the above, the 3<sup>rd</sup> respondent Commissioner of Trichy Corporation was requested to take against the 4<sup>th</sup> respondent unit under Local Body Act by the 2<sup>nd</sup> respondent in Letter dated 15.06.2021 since the 4<sup>th</sup> respondent unit is located in residential area. But no reply has been received from the 3<sup>rd</sup> respondent. It is respectfully submitted that, the petitioner has made a complaint



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to the 2<sup>nd</sup> respondent DEE, TNPC Board, Trichy. The Commissioner of Trichy Corporation was requested to take action against the unit in its letter dated 30.06.2021. But no reply has been received from the 3<sup>rd</sup> respondent. Further, online complaint has been received from Thirumathi, Leela Justin dated 29.11.2021 and the 3<sup>rd</sup> respondent, Commissioner of Trichy Corporation was requested to take action against the unit vide letter dated 21.01.2022. But no reply has been received from the 3<sup>rd</sup> Respondent.

It is respectfully submitted that, the petitioner has made a complaint dated 29.06.2022 to the 2nd respondent DEE, TNPC Board, Trichy and the 3<sup>rd</sup> respondent Commissioner of Trichy Corporation was requested to take action against the unit under Local Body Act, 1920 and Public Health Act, 1939 vide letter dated 07.07.2022. But no reply has been received from the 3<sup>rd</sup> Respondent.

It is respectfully submitted that, the 4<sup>th</sup> respondent unit was again inspected by the 2<sup>nd</sup> respondent TNPCB Official, Trichy on 25.01.2023 and during inspection the following were observed:

1. The unit is engaged in the making of the silver kitchen utensils especially Ladle (Known as Karandi in Tamil). The activities involved are cutting, welding, and manual polishing for which the raw material i.e.. silver scrap is purchased from local vendors.

2. It is a cottage type of industry, employing 10 numbers of workers. Thiru. Selvam is the proprietor of the above unit.



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During inspection, the proprietor was not available at the unit.

3. There is no trade effluent generated from its activities.

4. There is no melting process involved in the making of the silver kitchen utensils.

5. There is no process emission from its activities.

6. No painting activity was observed.

7. The unit is located amidst of the residences."

3. In the light of the above submissions of the 3<sup>rd</sup> respondent, we direct the 3<sup>rd</sup> respondent to consider the petitioner's representation dated 29.06.2022 and if there is any violation of the Tiruchirapalli City Municipal Corporation Act and Rules by the 4<sup>th</sup> respondent in running his unit, then, appropriate action shall be taken by the 3<sup>rd</sup> respondent against the 4<sup>th</sup> respondent.

4. With the above direction, the Writ Petition is disposed of.

No costs.

**[D.K.K.,J.] & [R.V.,J.]**  
**30.01.2023**

NCC : Yes / No

Index : Yes / No

Internet : Yes



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**D.KRISHNAKUMAR, J.**  
**and**  
**R.VIJAYAKUMAR, J.**

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To

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**ORDER MADE IN**  
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**DATED : 30.01.2023**