



W.P.(MD)No.28205 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD)No.28205 of 2023

M/s. Jeevan Products,
Rep. by its Proprietor,
D.K.Sanjay Shalaji,
S/o. Dhas,
Neduvilai Veedu,
Killiyoor Village,
Killiyoor Post,
Kanyakumari District.

... Petitioner

Vs.

- 1.The District Environmental Engineer,
Tamilnadu Pollution Control Board,
Nagercoil,
Kanyakumari District.
- 2.The Assistant Director,
District Town and Country Planning Department,
Nagercoil,
Kanyakumari District.
- 3.The Executive Officer,
Killiyoor Town Panchayat,
Killiyoor Post, Kanyakumari District.



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4. The Chairman,
The Central Pollution Control Board,
Ministry of Environment,
Government of India,
New Delhi.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order in Letter No.F.Tech - 105(C)/W.P.(MD) No.1638 of 2023 of 2023 dated 04.10.2023 on the file of the 1st Respondent and quash the same and further directing the 1st Respondent to grant Consent to Operate to the petitioner's concern.

For Petitioner	: Mr.G.Prabhu Rajadurai
For R1 & R2	: Mr.S.Shanmugavel Additional Government Pleader
For R3	: Mr.M.Lingadurai Special Government Pleader
For R4	: Ms.Vijayakumari Natarajan

ORDER

(Order of the Court was made by ***S.M.SUBRAMANIAM, J.***)

By the order impugned in this writ petition, the petitioner's application was returned and further the petitioner was requested to resubmit the application along with the details/documents as such sought for by the competent District Environmental Engineer.



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2.Since the application was not rejected on merits, we are not inclined to entertain the writ petition. It is always open to the petitioner to convince the authorities competent by producing the relevant documents including the provisions as applicable to deal with the issues raised by the petitioner.

3.In view of the fact that the application was only returned for its compliance, the petitioner is at liberty to resubmit the same after compliance. In the event of re-presenting/resubmitting the application, the respondents shall consider the same on merits and in accordance with law and pass appropriate orders. The respondents shall consider whether the approval of the Department of Town and Country Planning authority is required or not. In this regard, the petitioner is also at liberty to convince the authorities through the provisions of law.

4.This writ petition is disposed of with the above directions. No costs.

(S.M.S., J.) & (V.L.N., J.)
29.11.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

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