



WP.No.3385 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2024

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

WP.No.3385 of 2023
and
WMP.No.3460 of 2023

M/s.Vignesh Textile Mills,
Represented by its Partner,
S.Thamarai Selvam
S/o M.Sellappa Gounder,
No.23, Baladhandauthapani, 2nd Street,
Vendipalayam,
Erode 638 002.

...petitioner

Vs.

1. The District Collector,
District Collector Office,
Erode.
2. The Revenue Divisional Officer,
Erode District,
Erode.
3. The Revenue Tahsildar,
Erode Town,
Erode District.



WP.No.3385 of 2023

4. The District Environment Engineer,
Tamilnadu Pollution Control Board,
Erode District.

5. The Village Administrative Officer,
Vendipalayam,
Erode Taluk.

...respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorari to call for the records pertaining to the office of the 3rd respondent vide his proceedings in Na.Ka.No. 100-19/2021/A3, dated 08.02.2021 and to quash the same as erroneous and arbitrary and consequently de-seal and restore power supply to the premises in the name and style of M/s.Vignesh Textile Mill situated at S.F.no.1299/1, Baladhandauthapani 2nd Street, Vendipalayam, Erode 638 002.

For petitioner : Mr.M.Guruprasad

For respondents
for RR1 to 3 & 5 : Mr.R.Kumaravel, AGP
for R4 : Mr.Shanmugavalli Sekar

ORDER

(The Order of the Court was made by S.S.SUNDAR, J)

This Writ Petition is filed for issuance of a Writ of Certiorari to quash the proceedings of the third respondent dated 08.02.2021 and consequently de-seal and restore power supply to the premises in the name and style of



WP.No.3385 of 2023

M/s.Vignesh Textile Mill situated at S.F.no.1299/1, Baladhandauthapani 2nd Street, Vendipalayam, Erode 638 002.

2. The petitioner is a Textile Mill established to manufacture textile products. Though the petitioner Mill was established about 15 years back, finding that the petitioner and several other industries in the same area were letting out/discharging untreated dying effluent through pipelines directly into the Kalingarayan Canal, the District Collector by proceedings dated 08.02.2021 locked and sealed all those factories and disconnected electricity connection on 08.02.2021. The petitioner factory is one of the factories, which was sealed by the third respondent by proceedings dated 08.02.2021.

3. It is the case of the petitioner that all the owners of the factories, whose factory premises had been sealed by the said order, approached the Pollution Control Board to conduct fresh inspection and de-seal the factories if they are convinced that the industries have installed equipments and infrastructure to treat the dying effluent. Thereafter, by subsequent representation of the factory owners to de-seal the factories, a Committee was constituted to carry out such inspection and the Committee found that the industries have provided alternative mechanism to prevent/arrest



WP.No.3385 of 2023

pollution. Thereafter, all the factories were de-sealed and electricity service connections were restored to them except the petitioner. Therefore, the petitioner has filed the above Writ Petition challenging the order of sealing the premises and for consequential prayer to de-seal the factory premises to enable the petitioner to carry on business.

4. The fourth respondent has filed a detailed counter affidavit pointing out that the petitioner's unit was found to be discharging untreated dying effluent in Kalingarayan Canal through the underground pipelines even after all the premises were sealed. It is the specific case of the fourth respondent that de-sealing and restoration of power supply to all the units except the petitioner's unit was ordered on 15.11.2021 since in the petitioner's case FIR has been registered for having removed the seal and discharging untreated dying effluent in the Canal without any treatment.

5. This Court finds that the reason to single out the petitioner is that during subsequent inspection, it was found that the petitioner had removed the seal, operated the factory and let out the untreated dying effluent to the nearby water body through underground pipelines. It is for these reasons, the petitioner's premises has not been de-sealed.



WEB COPY

6. When the matter came up for hearing on 14.03.2024, learned counsel for the petitioner submitted that even though the irregularity committed by the petitioner is so serious, he may be put on terms before de-sealing the premises.

7. The petitioner has expressed his remorse and pointed out other circumstances, which would cripple the industrial activity of the petitioner. The petitioner himself came forward with a suggestion that he may be put on terms before a direction is issued to de-seal the premises as in the case of others. After recording the statement of the learned counsel appearing for the petitioner, this Court wanted the respondents to verify whether the petitioner's conduct can be condemned on payment of substantial amount for the environmental damage caused by the petitioner.

8. Today, the learned counsel for the petitioner has agreed to pay a sum of Rs.1,00,000/- to the Tamil Nadu Pollution Board/fourth respondent. The learned Standing Counsel appearing for the fourth respondent on instructions submitted that he has no reason to object the offer. However, the learned Standing Counsel for the fourth respondent submitted that the



petitioner shall give a firm undertaking before the Court that they will not indulge in any such activity in future and the learned counsel for the petitioner has also agreed that the petitioner will give such an undertaking and the same is recorded. Accordingly, the Writ Petition is disposed of with the following directions:

- i) The impugned order dated 08.02.2021 is set aside subject to condition that the petitioner pays a sum of Rs.1,00,000/- (Rupees one lakh only) within a period of two weeks from the date of receipt of a copy of this order.
- ii) On payment of a sum of Rs.1,00,000/- as per the undertaking given by the petitioner's counsel, the respondent shall de-seal the premises within a period of one week from the date of such payment.
- iii) The petitioner shall not indulge in the activity of letting out untreated dying effluent through underground pipeline in future.
- iv) If the petitioner is found to be causing pollution by letting out untreated dying effluent, apart from the action taken by the official respondents, this Court will also initiate contempt against the petitioner for violation of this order.
- v) The said sum of Rs.1,00,000/- shall be utilised by the Pollution Control Board for any remedial measure that may be required on account of pollution caused by similar industries in the same vicinity and the fourth respondent is at liberty to spend the money considering the priorities on a fair assessment.



WP.No.3385 of 2023

WEB COPY

No costs. Consequently, connected miscellaneous petition is closed.

(S.S.S.R.J.,) (N.S.J.,)
18.03.2024

Index : Yes / No
Speaking order: Yes/No
pvs

To

1. The District Collector,
District Collector Office,
Erode.
2. The Revenue Divisional Officer,
Erode District,
Erode.
3. The Revenue Tahsildar,
Erode Town,
Erode District.
4. The District Environment Engineer,
Tamilnadu Pollution Control Board,
Erode District.
5. The Village Administrative Officer,
Vendipalayam,
Erode Taluk.



WEB COPY



WP.No.3385 of 2023

S.S.SUNDAR, J.
and
N.SENTHILKUMAR, J.

pvs

WP.No.3385 of 2023

18.03.2024