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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 06.02.2024

CORAM

THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.2389 of 2024

1.Sunraja Oil Industries Private Limited

Rep. by its Managing Director K.Gandhirajan,

No.88/1, Puliyankadu, Moolakkarai,

Perundurai Main Road, Nasiyanur (P.O)

Erode- 638107.

... Petitioner

Vs

1.The District Collector,

District Collectorate,

Erode - 638011.

2.District Environmental Engineer,

Tamilnadu Pollution Control Board,

Chennai-malai Road,

Erode - 638009.

3.The Superintendent of Police

Erode - 638001.

4.Superintending Engineer,

TANGEDCO,

Erode Distribution Circle,

Erode - 638009.



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5.Executive Engineer
Public Works Department,
Erode - 638 001.

6.Revenue Divisional Officer,
Erode – 638 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider the representation of the petitioner dated 12.01.2024 and direct the District Coordination Committee headed by the Convenor/District Collector to pass a necessary order.

For Petitioner : Mr.Srinath Sridevan, Senior Counsel
for Mr.Eswar
For Respondents : Mr.M.R.Gokulakrishnan (R1)
Additional Government Pleader
Mr.Syed Sibgathullah (R4 to R6)
Standing Counsel
Mr.V.Gunasekar (R2)
Standing Counsel for TNPCB
No appearance (R3)

ORDER

Read this order in continuation of and in conjunction with order dated 02.02.2024 that reads as follows:

Mrs.Geetha Thamaraiselvan, learned Special Government Pleader accepts notice for R1 and R6, Mr.Kishore Kumar, learned Government Advocate accepts notice for R3 and Mr.Syed Sibghatulla, learned Standing Counsel accepts notice for R4 and R5. They seek some time to obtain instructions and file a counter.



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2. Notice through Court as well as privately to R2, returnable 06.02.2024. Private notice to the panel counsel, if any, for R2 is also permitted. Proof of service be placed on file.

3. Certain complaints were received from the persons in the vicinity based upon which R2 had initiated proceedings as against it. Based on the adverse proceedings of R2, the District Collector/R1 had directed the officials of TANGEDCO to disconnect the power connections forthwith. That letter dated 23.12.2023 reads thus:

<i>'From</i>	<i>To</i>
<i>Thiru.Raja Gopal Sunkara, I.A.S.,</i>	<i>The Superintending Engineer</i>
<i>Chairman, DCC/District Collector,</i>	<i>TANGEDCO</i>
<i>Erode District.</i>	<i>Erode Electricity Distribution Circle</i>
	<i>EVN Road, Erode</i>

Letter No.: DC/DEE/TNPCB/ERD/F.DCC/2023, Dated: .12.2023

Sir,

Sub: TNPC Board, O/o. DEE, Erode – Hon'ble High Court of Madras, Chennai Order Dated: -04.07.07 & 09.08.07 in W.P.Nos.5494/98 & 30153/03 – District Co-ordination Committee constituted by the District Collector – Power supply of the units to be disconnected – Regarding.

Ref: 1.G.O.Ms.No.23 Environment & Forests Department (EC1) Dated: 01.03.2018.

2.Proc. of the District Collector, Erode vide Lr.No.6058/2018/C4 Dated: 20.05.2019.

3.Inspection of oil mill by the official of O/o. DEE, TNPC Board, Erode on 24.11.2023.

I am to inform that the Government of Tamil Nadu in order to protect the precious water bodies has constituted the District Co-ordination Committee (DCC) vide the reference 1st cited. Pursuant to the said G.O. the District Collector, Erode has constituted the DCC



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vide the reference 2nd cited. The DCC takes action against the violating industries. The TNPCB officials have inspected the following industries found discharging untreated effluent outside the premises thus polluting the water bodies and manufacturing the banned plastic items.

Sl. No.	Date of inspection	Name and Address of the units
1.	24.11.2023	M/s. Sunraja Oil Industries Private Limited, S.F.No.85/3,4,5,6, 87/1,2,3,4 and 88/1, Koorapalayam Village, Erode Taluk and Erode District.

Hence, it is instructed to disconnect all the power supply connections provided of the above said units immediately. The action taken in this regard shall be intimated to the DEE, TNPCB, Erode for obtaining necessary ratifications in the forthcoming DCC meeting.

DCC Chairman/District Collector
Erode'

Pursuant to the same, electricity connection was disconnected. The petitioner states it has thereafter taken necessary measures to correct the violations found by the Pollution Control Board and has now made an application for re-connection of the electricity supply.

4. The petitioner also states that there was an inspection caused by the District Coordination Committee on 23.01.2024 and the petitioner has received a clean chit. A copy of the inspection report will be produced on the next date of hearing by the learned Special Government Pleader as the petitioner states that it has not been furnished a copy of the same.

5. List on 06.02.2024 at the end of admission list. Written instructions/counter by then with an advance copy served upon the petitioner.



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2. Today, Mr.Gunasekar, learned Standing counsel for R2 circulates letter bearing No.F.No.0361/DEE/PNPCB/ERD/Compl/2024 dated 05.02.2024.

In that letter, R2 has confirmed that an inspection was conducted on 23.01.2024 and that the inspection report has been sent to the District Coordination Committee, Erode. The conclusion by the District Coordination Committee in the meeting conducted on 29.01.2024 is awaited.

3. Learned Senior Counsel appearing for the petitioner would urge that action may be taken at an early date by R2, since they have no electricity connection presently.

4. Mr.Gunasekar would assure the Court that minutes of the District Coordination Committee would be available within one week and a copy of the same will be furnished to the petitioner immediately on receipt of thereof.

5. Thus, there is no necessity for disposal of representation dated 12.01.2024, as the petitioner has been present during the course of inspection and was also heard at that time and his submissions will, no doubt, be taken note of in the minutes/proceedings that are now awaited from the District Coordination Committee. Needless to say, once the District Coordination Committee arrives at a conclusion, all consequences based on the conclusion therein will follow.



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Dr.ANITA SUMANTH,J.

6. This Writ Petition is closed. No costs.

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Index : Yes / No

Speaking order

Neutral citations: Yes

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