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WP.No.5977/2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

WP.No.5977/2024 & WMP.No.6633/2024

L.Somu

... Petitioner

Vs.

- 1.The State of Tamil Nadu
rep.by its Secretary to Government
Pollution and Environment Department
Fort St George, Chennai 600 009.
- 2.The Tamil Nadu Pollution Control Board
rep.by its Chairman
No.76, Mount Road, Guindy
Chennai 600 032.
- 3.The Commissioner of Police
Chennai Commissioner office
Vepery, Chennai 600 007.
- 4.The Commissioner of Greater Chennai Corporation
Chennai Corporation Office
Rippon Building, Chennai 600 003.



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5.The District Collector,
Chennai District Collector Office,
Singaravelan Maligai, Rajaji Salai
Chennai 600 001.

6.The Tahsildar
Tahsildar Office, Velachery Taluk,
Chennai 600 042.

7.Emanuvel Traders
Proprietor Mr.Emanuel
No.32, Anjugammal Street,
Thanthai Periyar Nagar,
Taramani, Chennai 600 113.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus, directing the respondents herein to consider the representations of the petitioner dated 08.11.2023 and pass orders that to close or stop the 7th respondent is running the sand business for without having licence and followed rules and regulation in residential place and loading and unloading of heavy vehicles for 24 hours as illegally.

For Petitioner	: Mr.T.Mahavishnu for Mr.V.Subramani
For RR 1,5&6	: Mr.M.R.Gokul Krishnan,AGP
For R2	: Mrs.Shanmugavalli Sekar Standing counsel
For R3	: Mr.R.Muniyappa Raj, APP
For R4	: Mr.D.B.R.Prabhu, Standing counsel
For R7	: Mr.T.Gowthaman, Senior counsel for Mr.M.Thangadurai



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ORDER

[Order of the Court was made by S.S.SUNDAR, J.,]

- (1)The 2nd respondent / Tamil Nadu Pollution Control Board filed a Status Report.
- (2)The 2nd respondent has already taken a stand that the activities of the 7th respondent does not come under the purview of the 2nd respondent as per the Board Proceedings No.6 dated 02.08.2016 and the subsequent Proceedings dated 26.10.2016, 30.11.2017 and 30.07.2018 respectively. The 7th respondent has obtained a license under the Chennai City Municipal Corporation Act, 1919. The petitioner also applied for license under Tamil Nadu Urban Local Bodies Act, 1998.
- (3)Considering the total extent of the property in which the 7th respondent is carrying on business and other factors, this Court has observed in the order dated 11.07.2024 that the 7th respondent should provide a green mesh coverage at least 2 feet above the compound wall, besides providing sprinkling arrangement to arrest the dust pollution.



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(4) The learned counsel for the 7th respondent reported that the 7th respondent has complied with the direction.

(5) Though this Court earlier directed the official respondents about the petitioner's unauthorised construction and the respondents sought time, this Court finds that the matter need not be kept pending. Hence, with a direction to the official respondents to take enforcement action as against the petitioner in accordance with law after affording adequate and sufficient opportunity to the petitioner, this writ petition is **closed**. No costs. Consequently, connected miscellaneous petition is closed.

[S.S.S.R., J.] [N.S., J.]
02.08.2024

AP

Internet : Yes



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To

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