



WP No.21614 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2024

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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and WMP Nos.20835 and 20837 of 2019

1. Maha Siddargal Trust,
A Registered Trust, Rep. by its
Trustee, S.Viswanathan,
No.102, Sivan Koil Street, Brama
Rishi Malai Adivaram, Elambalur P.O.,
Perambalur District 621 212.
2. Perambalur Mavatta Samarasa Suddha
Senmarga Sathya Sangam,
(Registration No.17 of 2016),
Rep. by its Secretary, V.Narayanaswamy,
No.89, B2, First Floor, North Street,
Thuraimangalam Post, Perambalur 621 220.
3. B.Paranjothi
4. Jayaraj.R

.. Petitioners

-VS-

1. The Government of Tamil Nadu,
Rep. by the Secretary to Government,
Industries Department, Fort St. George,
Chennai 600 009.



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2. The Government of Tamil Nadu,
Rep. by the Principal Secretary to Government,
Environment and Forest Department,
Fort St. George, Chennai 600 009.
3. The District Collector,
Perambalur District,
Perambalur 621 212.
4. The Department of Geology and Mines,
Rep. by its Deputy Director,
Government of Tamil Nadu,
Thiru.Vi.Ka. Industrial Estate,
Guindy, Chennai 600 032.
5. Tamil Nadu Pollution Control Board,
Rep. by its Member Secretary,
76, Mount Salai, Guindy,
Chennai 600 032.
6. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
No.99A, Ethiraj Nagar, Rajaji Nagar Post,
Ariyalur 621 713.
7. The Superintendent of Police,
Perambalur District, Perambalur 621 212.
8. Kumar
9. S.P.T.Senthil

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the entire records of respondents 5 and 6 pertaining to the consent to operate (licence) granted to the 8th respondent under the proceedings of the 5th and 6th respondents (1) bearing reference No.F.0405ARY/OS/DEE/TNPCB/ARY/A/2017 dated 18.12.2017 including the consent order



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No.1704211520825 dated 18.12.2017 and (2) bearing reference No.F.0405ARY/OS/DEE/TNPCB/ARY/W/2017 dated 18.02.2017 including the consent order No.1704111520825 dated 18.12.2017 and quash the same and forbear respondents 5 and 6 from granting consent to operate (licence) to the the 9th respondent and further direct respondents 1 to 7 to take appropriate action to close the crushing units operated by respondents 8 and 9 on the foothills of Brammarishi Malai, Elambalur Village, Perambalur Taluk in Perambalur District.

For the Petitioners : Mr.G.Muthukumar

For the Respondents : Mr.A.Edwin Prabakar
State Government Pleader,
for RR 1 to 4 and 7
: Mrs.Shanmugavalli Sekar
for RR 5 and 6
: Mr.V.Sanjeevi for R-8
: No appearance for R-9

* * * * *

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.G.Muthukumar, learned counsel for the petitioner, Mr.A.Edwin Prabakar, learned State Government Pleader, for respondent Nos.1 to 4 and 7, Mrs.Shanmugavalli Sekar, learned counsel for respondent Nos.5 and 6 and Mr.V.Sanjeevi, learned counsel for respondent No.8.



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2. The present writ petition is filed seeking directions against the official respondents to cancel the consent to operate granted to the 8th and 9th respondents and to take action for closing down the crushing unit.

3. According to the learned counsel for the petitioners, the crushing activity is carried out beyond the permissible limit. The same is carried out in and around residential locality. The nursery school and a college are situated within 1 km. of the site on which the crushing activity is carried out. There is a thick residential locality and illegal activities are being carried out.

4. The learned counsel for respondent Nos.8 and 9 submits that valid consent to operate has been obtained from the Pollution Control Board and the same is in force upto the year 2031. Time to time inspections are made by the authorities. No illegal activity is carried out by respondent Nos.8 and 9.



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5. The counter-affidavit is filed by the Tamil Nadu Pollution Control Board/respondent No.5. It is stated in the affidavit that the 8th respondent is granted conditional consent to establish unit for manufacture of stone jelly. Initially, consent to operate was rejected in the case of M/s.R.C.R.Blue Metal, who preferred an appeal and the appeal was allowed and consent to operate was directed to be issued. The affidavit states that the unit has been inspected on 20.07.2020 and it was observed that the unit was under operation without adhering to the conditions issued by the Board. A show cause notice was issued. It is further clarified in the affidavit that there is no quarrying operation, but stone crushing operation is going on. The affidavit further states that Advance Environmental Laboratory/TNPCB/ Tiruchirappalli was addressed by the District Environmental Engineer, Ariyalur, vide letter dated 20.07.2020 to conduct an ambient air quality survey in the vicinity of the unit of M/s.Senthil Stone Crusher Unit-II.

6. As valid consent to operate is in force, it would not be appropriate to pass orders with regard to the closure of the unit.



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However, the respondent Nos.5 and 6 may make an inspection and depending upon the report of inspection, the further steps may be undertaken.

With this observation, the writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(S.V.G., C.J.)

(D.B.C., J.)

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Index : Yes/No
Neutral Citation : Yes/No

sra

To

1. The Secretary to Government of Tamil Nadu,
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Chennai 600 009.
2. The Principal Secretary to Government of Tamil Nadu,
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Thiru.Vi.Ka. Industrial Estate,
Guindy, Chennai 600 032.

5. The Member Secretary,
Tamil Nadu Pollution Control Board,
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6. The District Environmental Engineer,
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