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W.P.No.12964 of 2024

IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED: 09.08.2024

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.12964 of 2024

N.Venkatesan

.. Petitioner

Vs

1.The Commissioner,
Maraimalainagar Municipality,
Chengalpattu District.

2.The District Environment Engineer,
Tamil Nadu Pollution Control Board,
Maraimalainagar,
Chengalpattu District.

3.Arjuna

4.Gopalakrishnan

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India seeking for issuance of a writ of mandamus directing the first respondent to exercise power under Section 251 of Tamil Nadu District Municipalities Act, 1920, to abate the nuisance caused by the third respondent and fourth respondents by running Lathe Industry in the name and style of “Roja Enterprises” at No.13, Alayamman Koil Street, Ninnai Karai Village, Maraimalainagar, Chengalpattu District, in pursuant to the notice issued by the first respondent in Na.Ka.No.4002/93/H1/2023, dated 23.01.2024.



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For Petitioner : Mr.G.Mageshkumar

For R1 : Mr.P.Srinivas, Standing Counsel

For R2 : Mrs.Shanmugavalli Sekar
Standing Counsel

For R3 & R4 : Mr.K.V.Babu

ORDER

The writ petition has been filed for a direction directing the first respondent to take appropriate action as against the respondents 3 and 4 by exercising its power conferred under Section 251 of Tamil Nadu District Municipalities Act, 1920, to abate nuisance caused by the respondents 3 and 4 by running Lathe Industry in the name and style of “Roja Enterprises” at No.13, Alayamman Koil Street, Ninnakarai Vilalge, Maraimalainagar, Chengalpattu District.

2. The petitioner is residing at No.24, Pillayar Koil Street, Ninnakarai, Kattangulathur, Chengalpattu District. The private respondents 3 and 4, maternal uncles of the petitioner, are running a Lathe Industry in the name and style of “Roja Enterprises”. There is a noise pollution during days and nights and this apart, there is a solid



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pollution as the scrap materials are being dumped in and around that area. Due to the same, all the residents in that area including children are being affected with several health hazards. Therefore, the petitioner submitted a representation before the respondents 1 and 2 to take appropriate action as against the respondents 3 and 4. On receipt of the said representation, the first respondent issued a notice dated 23.01.2024 directing the respondents 3 and 4 to shift their Lathe Industry, failing which, action will be taken in accordance with law. Despite receipt of such notice, the respondents 3 and 4 are continuing their Lathe business in the same place and thereby creating a lot of health hazards to all the residents residing in and around that vicinity.

3. Pending writ petition, the first respondent also inspected the place in question and found that the respondents 3 and 4 are running their Lathe Industry by using 11 HP Motor, which is not permitted even in the industrial area.

4. At this juncture, learned counsel for the respondents 3 and 4, submits that the respondents 3 and 4 have not received any notice from



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the respondents 1 to 2 till date. He would further submit that the petitioner is also running the same Lathe Industry in the said locality and causing noise and air pollution to all the residents residing in and around that vicinity.

5. In view of the above, the first respondent is directed to issue fresh notice to the respondents 3 and 4, and the petitioner; and after giving an opportunity of personal hearing to them, pass appropriate orders to shift their Lathe Industry in accordance with law, if they fail to comply with the directions issued by the first respondent vide his letter dated 22.07.2024, within a period of four weeks from the date of receipt of a copy of this order. With these directions, the writ petition is disposed of. No Costs.

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Index: yes/no
Neutral citation: yes/no
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G.K.ILANTHIRAIYAN, J.
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