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W.P.No.17010 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.17010 of 2024

P.Gopalsamy

... Petitioner

-Vs-

1. The Town Welfare Officer,
Tiruvannamalai Municipality,
Tiruvannamalai.

2. Kumar

3. Kumar

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent to take further action in pursuance of the notice dated 29.01.2024 issued by the first respondent and thereby lock and seal the premises of the second and third respondent.

For Petitioner : Mr.B.Jawahar

For R1 : Mr.S.Rajesh

Government Advocate

For R2 and R3 : Mr.M.Sankar



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ORDER

This writ petition has been filed for direction directing the first respondent to take further action in pursuance of the notice dated 29.01.2024 issued by the first respondent, thereby lock and seal the premises of the second and third respondent.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner is the resident of No.821/153, Thiruvalluvar Nagar, Vettavalam Road, Tiruvannamalai Town. Just opposite to his house there are two shops running by the respondents 2 and 3 in the name and style of (i) Shree Annamalaiyar Giril Works and (ii) Balaji Lathe Works and it caused more hazardous pollution viz., Air Pollution as well as Noise Pollution. Therefore, the petitioner lodged a complaint before the first respondent. On receipt of the same, the first respondent conducted an inspection and found that the second and third respondents are running the lathe work with 5 HP motor and making air and noise



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pollution. Therefore, they were issued with a notice on 29.01.2024, thereby directed them to vacate their respective work shops within a period of five days without causing any disturbances to the general public. However, it was not acted upon. Therefore, a detailed enquiry was conducted on 05.04.2024 and found that the second and third respondents are running their workshops in the residential area and also causing hazardous pollution. Therefore, on 18.04.2024, once again notice was served to the respondents 2 and 3, thereby directed them to vacate the workshops immediately.

4. Even then, the second and third respondents failed to vacate their workshops. Finally, on 22.05.2024, the first respondent issued final notice to shift their workshops to some other place without causing any hazardous pollution to general public within a period of seven days from the date of receipt of a copy of the order. Even then, the second and third respondents are still running their workshops without vacating the same.



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5. The learned counsel for the third and fourth respondents sought time for filing counter.

6. A perusal of the notice issued by the first respondent revealed that the second and third respondents need not file counter and the notice is self explanatory.

7. In view of the above, the first respondent is directed to take appropriate action as against the second and third respondents in accordance with law, as per the final notice dated 22.05.2024, within a period of two weeks from the date of receipt of a copy of this order.

8. With the above directions, this writ petition is disposed of.
There shall be no order as to costs.

09.08.2024

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
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To

The Town Welfare Officer,
Tiruvannamalai Municipality,
Tiruvannamalai.



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G.K.ILANTHIRAIYAN. J.

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