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W.P.No.13132 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2024

CORAM:

THE HON'BLE MR.D.KRISHNAKUMAR
ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

W.P.No.13132 of 2024 and

W.M.P.Nos.14274, 14275 & 15012 of 2024

Sandhiya Enviro Tech System,
Rep. by its Proprietor Kannan
212, Tholkoppier Street,
Adal Nagar, Villupuram-605 401.
Having processing unit at
3/2A, Ariyur Road, Vedampattu Village,
Thiruvamathur P.O., Villupuram-605 402.

... Petitioner

-VS-

1. District Collector / Chairman DCC,
Collectorate, Villupuram.
2. Tamil Nadu Pollution Control Board,
Rep. by its District Environmental Engineer,
O/o.District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Master Plan Complex, Collectorate,
Backside of Taluk Office, Villupuram-605 602.
3. The Superintending Engineer,
TANGEDCO,
Villupuram Electricity Distribution Circle,
Villupuram.



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4. The Assistant Engineer/(O&M)/Villupuram,
TANGEDCO, Villupuram Electricity Distribution Circle,
Villupuram District-638 052.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records from the 1st respondent relating to the proceedings dated 21.04.2024 bearing Proceedings No.DCC/VPM/TNPCB/F.No.22 Tech/2024 and all consequential proceedings and quash the same as illegal, arbitrary and without jurisdiction.

For Petitioner	:	Mr.R.Singaravelan, Senior Counsel For Mr.S.Saravanakumar
For R1	:	Mr.T.K.Saravanan Govt. Advocate
For R2	:	Mr.P.Kumaresan, Addl. Advocate General For Mrs.Shanmuga Valli Sekar
For R3 & R4	:	Mr.V.Venkata Seshaiyah

ORDER

(By Hon'ble Acting Chief Justice)

This Writ Petition has been filed, seeking to quash the proceedings No.DCC/VPM/TNPCB/F.No.22 Tech/2024 dated 21.04.2024 of the 1st respondent and all other consequential proceedings, by which, power supply connection was ordered to be disconnected in respect of the unit of the petitioner.



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2. When the matter is taken up for hearing, learned Additional Advocate

General appearing for the Tamil Nadu Pollution Control Board / R2 referred to the

Status Report dated 25.07.2024 filed by the 2nd respondent, wherein it has been stated as

follows:

“12. It is respectfully submitted that the unit was continuously monitored by the monitoring committee constituted by DCC's proceedings dated May 2, 2024 and by the jurisdictional engineer of the TNPCB. The Latest inspection was carried out by the jurisdictional engineer, TNPCB, Villupuram, on July 22, 2024. During the inspection, it was noted that the power connection was provided by TANGEDCO, and it was also observed that portions of hazardous and non-hazardous wastes were still present in the open land of the industry premises. Hence, the violation continues. Furthermore, according to the transport record maintained by the unit, 115.4 tonnes of wastes were transported to the cement industry, namely, M/s.Dalmia Cement (Bharat) Ltd and the same was verified by the jurisdictional engineer of the TNPCB.

13. It is respectfully submitted that five numbers of water samples and six numbers of soil samples were collected by the TNPCB officials of the office of the District Environmental Engineer, TNPCB, Villupuram and the Advanced Environmental Laboratory, TNPCB, Cuddalore both inside and outside the industry premises on 22.07.2024. The samples were sent to the Advanced Environmental Laboratory, TNPCB, Cuddalore and M/s.CUBE Environmental Laboratory, IIT Madras Research Park, Chennai, for analysis on July 22, 2024 and awaited for report of Analysis.”

3. It is stated by the learned Additional Advocate General that based on the reports, necessary decision will be taken by the 2nd Respondent / TNPCB



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4. At this juncture, learned Senior Counsel for the petitioner submitted before this Court that since reports are awaited and yet to be received from the Advanced Environmental Laboratory, TNPCB, Cuddalore and M/s.CUBE Environmental Laboratory, IIT Madras Research Park, Chennai, a direction may be issued to the 2nd respondent to furnish a copy of the Analysis reports and thereafter, an opportunity may be given to the petitioner to submit a representation to the respondent Board within a reasonable time, after receipt of the reports from the respondent Board.

5. Considering the submissions made on either side, we direct the 2nd respondent to expedite the process of getting reports from the Advanced Environmental Laboratory, TNPCB, Cuddalore and M/s.CUBE Environmental Laboratory, IIT Madras Research Park, Chennai, and obtain the same, if not already received, within a period of two weeks from the date of receipt of a copy of this order, by forwarding a copy of this order to the respective Laboratories. It is further directed that once reports are received by the 2nd respondent, a copy of the same shall be served to the petitioner and thereafter, a reasonable time may be given to the petitioner to furnish reply on the basis of the reports. It is needless to mention here that based on the reports of the laboratories and the reply to be adduced by the petitioner, a final order shall be passed by the concerned respondent at the earliest. In the meanwhile, the interim order already granted by this



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Court shall remain in force for a period of twelve weeks from today. No costs.

Consequently, connected Miscellaneous Petitions are closed.

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[D.K.K.,ACJ.]

[M.J.R,J.]

26.09.2024

Index: Yes / No

Internet: Yes / No

Speaking Order/Non Speaking Order
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To:

The District Collector / Chairman DCC,
Collectorate,
Villupuram.



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HON'BLE ACTING CHIEF JUSTICE,
AND
M.JOTHIRAMAN,J.,
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