



WEB COPY



W.P.No.20019 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2024

CORAM :

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

AND

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P.No.20019 of 2024

S.Dhanapal

.. Petitioner

Vs.

1. The District Collector
Namakkal District
Namakkal 637 001.
2. The Tamil Nadu Pollution Control Board
No.76, Mount Salai, Guindy
Chennai 600 032.
3. The District Environmental Engineer
Tamil Nadu Pollution Control Board
Namakkal 637 001.
4. The District Revenue Officer
District Collector Campus
Namakkal 637 001.
5. The Revenue Divisional Officer
Campus of District Collector Office
Namakkal 637 001.



W.P.No.20019 of 2024

6. The Tahsildar
Taluk Office
Komarapalayam 638 183.

7. The Block Development Officer
Taluk Office
Komarapalayam 638 183.

8. RKV.Murthy .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus directing the respondents 1 to 7 to take necessary actions to remove the unauthorised cement godown permanently which was running by the 8th respondent by considering the petitioner's representation dated 03.06.2024.

For the Petitioner : Mr.Deepan Uday

For the Respondents : Mr.K.Karthik Jegannath
Government Advocate
for Respondents 1, 4 to 6

Mrs.Shanmugavalli Sekar
for Respondents 2 & 3

ORDER

(Order of the Court was made by
the Hon'ble Acting Chief Justice)

We have heard Mr.Deepan Uday, learned counsel for the petitioner, Mr.K.Karthik Jegannath, learned Government Advocate for the respondents 1 and 4 to 6 and Mrs.Shanmugavalli Sekar,



W.P.No.20019 of 2024

WEB COPY

learned counsel for the respondents 2 and 3.

2. According to the petitioner, the residents and the school children are being affected by the air pollution caused by the cement godown of the eighth respondent.

3. Learned Government Advocate has produced a notification dated 15.05.2024 issued under Sections 44, 51(1) and 134(1) of the Tamil Nadu Public Health Act, 1939 and Rule 289 of the Tamil Nadu District Municipalities Act, 2023, wherein, the eight respondent is directed to take precautionary measures to curb the air pollution caused by running of cement godown within three days and to obtain necessary license. He also submitted that further course of action will be taken under the provisions of law for removing the unauthorised construction of the cement godown.

4. In view of the above, the relief sought by the petitioner has become infructuous. However, we make it clear that if no action is taken by the official respondents, liberty is granted to the petitioner



W.P.No.20019 of 2024

to seek remedy before the appropriate forum.

WEB COPY

5. The writ petition is disposed of. There shall be no order as to costs.

(D.K.K., ACJ.) (K.B., J.)
18.07.2024

Index : Yes/No
Neutral Citation : Yes/No

kpl

To

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W.P.No.20019 of 2024

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WEB COPY



W.P.No.20019 of 2024

D.KRISHNAKUMAR, ACJ,
AND
K.KUMARESH BABU,J.

(kpl)

W.P.No.20019 of 2024

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