



W.P. No. 27738 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2024

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 27738 of 2023

and

W.M.P. No. 27229 and 27249 of 2023

M/s. Hanfas Enterprises
Rep. by its Proprietor Dhakira Banu
No. 23, JK Garden, South
Ukkadam, Bypass Road
Coimbatore.

... Petitioner

-VS-

1. The Commissioner
Corporation of Coimbatore
Raja Street, Town Hall
Coimbatore – 641001.
 2. The Assistant Commissioner (Incharge)
Central Zone, Corporation of Coimbatore
Raja Street, Town Hall
Coimbatore – 641001.
- Respondents

...

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the Second Respondent in respect of the impugned notice /order dated 10.06.2023 issued by Second Respondent and quash the same and consequently forbear the Second Respondent from in any way hinder the Petitioner's business by removing the Petitioner's articles and sealing the



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premises.

For Petitioner : Mr. D.Saikumaran
For Respondents : Mr. Najeeb Usman Khan,
Standing Counsel

ORDER

Heard Mr. D.Saikumaran, Learned Counsel for the Petitioner and Mr. Najeeb Usman Khan, Learned Standing Counsel appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed challenging the proceedings dated 10.06.2023 issued by the Second Respondent to the Petitioner directing him to remove the inflammable plastic articles in her shop, and to had consequently restrain the Respondents from in anyway hinder her business by removing the articles and sealing the premises.

3. In response, the Second Respondent has filed Status Report on 24.01.2024 stating as follows:-

" I humbly submit that the Petitioner is running a



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godown in the name of M/s. Hanfas Enterprises at 162, GM Nagar, Gandhi Nagar, Coimbatore. They are doing business by collecting the old plastics materials within the godown and selling it.

The Collected goods was stored inside and outside of the petitioner's godown. Complaint was received from the nearby areas public to remove the outside dumped plastics.

I further submit that in Tamilnadu Pollution Control Boards' Circular No. TNPCB/P&D/16032/2014 dated 18.09.2014 as well as in Rule 6(2) of 2016, Plastic Waste Act, it is categorically emphasized that necessary action should be taken under Local Bodies Rules, in the present issue under hand.

I further submitted that based on the complaint, regarding the storage of inflammable plastic materials inside and outside of the Petitioner's company, a notice dated 10.03.2023 was issued to the Petitioner, calling upon them to remove all plastic material stored in the godown company and that the said site should be cleared and that the old



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plastic materials accumulated in the godown in an unsafe

condition should be removed within 3 days and the said site

is to be shown as a vacant site at the time of Inspection and

that in case of non-compliance to the said notice due legal

action would be taken against them.

Another notice was issued on 02.05.2023. As a result,

Petitioner has gradually removed the goods stored outside

and as on date, no plastic goods is lying outside the godown.

In this regard it is further submitted that the site was

inspected by Sanitary Inspector Thiru. Sreerangaraj on

11.01.2024. It was found that the said godown was kept

clean without storing any plastic materials outside of the

godown premises.

I humbly further submit that the Corporation is only

acting in accordance with their Rules and Regulations and

well in accordance with Law and have no personal interest in

the issue in hand and acting only in the interest and welfare

of the general public."

In view of the aforesaid subsequent events, nothing remains for further



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consideration in the Writ Petition.

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In the result, the Writ Petition is disposed. Consequently, the connected Miscellaneous Petitions are closed. No costs.

24.01.2024

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 18.04.2024.

pal/Maya

To

1. The Commissioner
Corporation of Coimbatore
Raja Street, Town Hall
Coimbatore – 641001.
2. The Assistant Commissioner (Incharge)
Central Zone, Corporation of Coimbatore
Raja Street, Town Hall
Coimbatore – 641001.



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P.D. AUDIKESAVALU, J.

Maya

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