



W.P.No.31137 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.P.No.31137 of 2023

and

W.M.P.No.30770 of 2023

Rani Srinivasan

... Petitioner

Vs.

- 1.The District Collector,
Ranipet District,
Ranipet – 632 403.
- 2.The Revenue Divisional Officer,
Ranipet,
Ranipet District.
- 3.The Tahsildar,
Ranipet,
Ranipet District.
- 4.The Commissioner,
Ranipet Municipality,
Ranipet – 632 401.



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5.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Auxilium College Road,
Gandhi Nagar,
Vellore – 632 006.

6.The Superintendent of Police,
District Police Office,
Ranipet – 632 401,
Ranipet District.

7.M/s.K.R.Leathers,
Represented by its Partner,
Kalpana Ramesh,
No.111/3, Ammoor Road,
Ranipet – 632 401.

8.PRC Leathers,
Represented by its Proprietor,
R.Ramesh Prasad,
No.111/3, Ammoor Road,
Ranipet – 632 401.

9.M/s.Rakavi Leathers,
Represented by its Proprietor,
R.Ramesh Prasad,
No.111/3, Ammoor Road,
Ranipet – 632 401.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 to 6 to take immediate action against the respondents 7 to 9 for carrying on hazardous industrial activities without valid statutory approvals/orders and for



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discharging chemical effluents in and over the petitioner's lands measuring 3.03 Acres, bearing T.S.No.2, Old S.F.No.28/2B, Pinji Village, Walajah Taluk, Ranipet District, by considering the petitioner's representations dated 22.05.2023 and 07.07.2023.

For Petitioner	:	Mr.N.Manokaran
For R1 to R3	:	Mr.R.Kumaravel Additional Government Pleader
For R4 and R6	:	Mrs.V.Yamuna Devi Special Government Pleader
For R5	:	Mrs.Shanmugavalli Sekar
For R7 to R9	:	No appearance

ORDER

(Order of the Court was made by **S.S. SUNDAR, J.**)

This writ petition is filed for issuance of a Writ of Mandamus directing the respondents 1 to 6 to take immediate action against the respondents 7 to 9 for carrying on hazardous industrial activities without valid statutory approvals/orders and for discharging chemical effluents in and over the petitioner's lands measuring 3.03 Acres, bearing T.S.No.2, Old



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S.F.No.28/2B, Pinji Village, Walajah Taluk, Ranipet District, by considering the petitioner's representations dated 22.05.2023 and 07.07.2023.

2.The petitioner claims ownership over an extent of 8.35 Acres of land with building on the pretext that the petitioner's husband was allotted the said piece of land under a partition deed. It is admitted by the petitioner that the petitioner's husband had entered into two lease deeds with respondents 7 and 8 and the said lease was also extended by the petitioner's husband for a period of three years after the expiry of the period mentioned in the lease deed dated 29.04.2004. It is the case of the petitioner that a proper communication was given by her to the respondents 7 to 9 stating that the lease will not be extended further beyond 30.09.2013. It is admitted that the respondents 7 and 8 are carrying on business in leather processing. Though the petitioner has admitted that the private respondents are in possession of the leasehold lands and carrying on business, the grievance of the petitioner is that the private respondents are carrying on business without obtaining consent to establish and consent to operate the industry, from the Pollution Control Board.



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3.Learned counsel for the petitioner relied upon the information the petitioner had obtained by filing an application under Right to Information Act. It appears that, in response to the application under Right to Information Act seeking particulars of consent from Pollution Control Board for industries in the demise premises, the Public Information Officer, Tamil Nadu Pollution Control Board, has stated that no information is available in their office as per the records maintained so far. It was only relying upon the information that was furnished to the petitioner under Right to Information Act, the petitioner has presumed that the private respondents, namely, respondents 7 to 9 are operating without valid consent from Pollution Control Board.

4.The 5th respondent has filed a counter affidavit indicating that the 9th respondent is not doing any business activities in the premises. However, as far as 8th respondent is concerned, it is stated that the 8th respondent is an existing Tannery carrying on business after obtaining consent of the Tamil Nadu Pollution Control Board both under Water Act and Air Act. It is stated



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that consent given by them was renewed upto 31.03.2020 vide proceedings dated 08.07.2019 for “Processing of Raw to Finished Leather – 22.5 T/Month”. It is stated that consent given to M/s.PRC Leathers is renewed and valid upto 31.03.2024. It is also admitted that the trade effluents from the industry run by the 8th respondent are being treated by M/s.Ranipet Tannery Effluent Treatment Company, which is a Common Effluent Treatment Plant, under Water Act and Air Act. It is further stated by the 5th respondent that the Common Effluent Treatment Plant has obtained consent of the Board which is valid upto 31.03.2025. It is further stated that the 8th respondent has obtained authorisation for treating trade effluents and for waste water management subject to several conditions to maintain the standards. From the facts stated in the counter affidavit, it appears that the 8th respondent has valid consent for running the industry.

5.As regards the 7th respondent, the 5th respondent has given several details about the consent given to the 7th respondent. It is seen that the 7th respondent has obtained valid consent before operating the unit and the 7th respondent has been renewing the same for operating the unit with the



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consent of the Pollution Control Board at all times. The 7th respondent M/s.K.R.Leathers got renewal of consent which is valid upto 31.03.2024 both under Water and Air Act.

6.From the counter affidavit, the learned counsel for the petitioner was unable to point out any serious irregularity or illegality either in the process of obtaining consent or in adhering to the norms or conditions under which the consent was given to the private respondents 7 and 8.

7.Learned counsel appearing for the petitioner has stated that the private respondents have filed a suit for injunction and the same was dismissed earlier for non-prosecution. It is also pointed out by the learned counsel that the suit filed by the private respondents in O.S.No.12 of 2017 before the Subordinate Court, Ranipet, Vellore District, has now been dismissed on merits by judgment and decree dated 10.01.2024. It is stated by the learned counsel for the petitioner that one R.Ramesh Prasad, who is the partner of respondents 7 to 9, has filed the said suit in O.S.No.12 of 2017 on the file of Subordinate Court, Ranipet, Vellore District, for



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permanent injunction restraining the petitioner and two others from in any way interfering with his peaceful possession and enjoyment of the suit property till he is evicted by due process of law. The learned counsel for the petitioner admits that the private respondents are carrying on business in the demised premises, without obtaining consent from the Pollution Control Board. It is the case of the petitioner that the industrial operation by private respondents has caused pollution and that therefore, action should be taken by the Pollution Control Board against the respondents 7 to 9 for carrying on hazardous industrial activities in the property of the petitioner. Even before Civil Court, the petitioner admits that the plaintiff in the suit is in possession and carrying on business in leather tannery. However, the case of petitioner is that lease was extended after 2013.

8.The Civil Court has held that, in the absence of plaintiff to prove his possession, the Court is not inclined to grant the relief of injunction as prayed for by the plaintiff. It is surprising to note that the Civil Court has proceeded on the basis that the plaintiff is not in lawful possession and that therefore, there cannot be a decree for injunction. The prayer in the suit



itself is that the plaintiff therein is in possession and that his possession cannot be interfered with by the defendants without following due process of law. However, after recording a finding that the plaintiff therein has not proved that he is in lawful possession, the trial Court further held that the plaintiff is out of possession. After holding that the plaintiff was not entitled to the relief of injunction for the reason stated by the Court, the trial Court has given the following verdict :

“15.In view of the answers arrived to issues 1 and 2, since the plaintiff is out of possession, he is not entitled to the relief of injunction and the reason is already explained. If the contention of the plaintiff, that there are equipments belonging to the plaintiff available in the suit property, the only option available to him is to approach the defendants for removal of the said things through proper addressing. The option available to the plaintiff is to approach the defendant and he cannot enter the site without the permission of the defendants who are the original owner and the plaintiff is directed to approach the defendants accordingly.

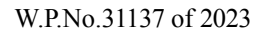
In the result, this suit is dismissed with costs. The plaintiff is further permitted to take away his belongings from



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the suit premises within three months from today with prior intimation to the defendants and without any prejudice to the defendants' right.”

9.It is not in dispute that the present petitioner is the 1st defendant who has defended the suit along with her daughters who are defendants 2 and 3. Though the plaintiff therein admits that the period of lease expired during 2013 and there was no renewal, the trial Court failed to note that possession of the plaintiff therein, which is not in dispute, cannot be interfered with otherwise than by due process and his possession as a tenant at sufferance gives him the right to approach the Civil Court with a limited prayer. Even though it may not be proper for us to discuss the propriety of the Civil Court's verdict in a collateral proceedings, this Court finds it embarrassing to note the judicial order with concern. In the suit filed by the plaintiff for injunction restraining the defendants from interfering with their possession otherwise in due process of law, the Civil Court has dismissed the suit but held that the plaintiff therein has to take away the belongings in the said premises within three months from the date of judgment. In a suit filed by tenant for limited injunction, a decree has now been granted directing the tenant to handover possession. Therefore, the reference to the Civil Court's



10. Since the private respondents are not before this Court, this Court, unfortunately, is unable to get their stand. Reserving the right of the private respondents or the plaintiff in the suit in O.S.No.12 of 2017 to file an appeal as against the judgment and decree of the Civil Court in O.S.No.12 of 2017, this Court finds that the present writ petition is motivated only to evict the private respondents without following due process of law either by filing a suit for recovery of possession or for other reliefs. Therefore, **this writ petition is dismissed as devoid of any merits.** No costs. Consequently, connected miscellaneous petition is closed.

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 Index : Yes / No
 Neutral Citation : Yes / No



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S.S. SUNDAR, J.
and
N. SENTHILKUMAR, J.

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