



WEB COPY



W.P.Nos.31922 & 31926 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2024

CORAM :

THE HON'BLE MR. JUSTICE S.S.SUNDAR
AND
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.P.Nos.31922 & 31926 of 2023

SMT COIRS

represented by its Proprietor Mr.P.Sureshkumar

S.F.No.220/1A, Samiyandipudur

Thimamkuthu Village

Pollachi 642 005

..

Petitioner in both the W.P's

-VS-

1. The Chairman

Tamil Nadu Pollution Control Board

No.76, Mount Road, Guindy

Chennai 600 032

2. The District Environmental Engineer

Tamil Nadu Pollution Control Board

Coimbatore – South Plot No.E-55A

SIDCO Industrial Estate

Pollachi Main Road, Coimbatore 641 021

3. The Superintending Engineer

Udumalpet, TANGEDCO

Tirupur Road, Eripalayam

Udumalpet, Coimbatore 642 126



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4. Dhandapani
S/o A.Muthusamy

.. Respondents in both the W.P's

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Writ Petitions filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 2nd respondent dated 17.08.2023 made (i) vide proceeding No.TNPCB/T1F.24997(1)/Restoration of power supply/Water/2023-1 (ii) vide proceeding No.TNPCB/T1F.24997(1)/Restoration of power supply/Air/2023-1, respectively and quash the same and consequently direct the respondents 2 and 3 to afford the petitioner an opportunity of hearing before considering any application in respect of S.F.No.220/1A Thimmanguthu Village, Pollachi Taluk.

For Petitioner :: Mr.S.M.S.Shriram Narayanan

For Respondents :: Mrs.Shanmugavalli Sekar
Standing Counsel for R1 & R2
R3 – No appearance
Mr.S.A.Sayed Shuhaibb for R4

ORDER

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

The petitioner has raised serious dispute with regard to the ownership over the industrial concern and the land in which the industry is established.



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It is brought to our notice that the fourth respondent has already filed a civil suit for declaration of his 40% share in the suit property claiming that the land is a partnership asset. From the impugned proceedings, the fourth respondent is in control of the industrial concern M/s Sri SMT Coco Pith Unit-II (erstwhile “SMT Coirs”). Now the petitioner has come forward with the present writ petitions challenging the orders passed by the Tamil Nadu Pollution Control Board in directing restoration of the power supply to the fourth respondent unit, in terms of Section 33A of the Water (Prevention and Control of Pollution) Act, 1974 and Section 31A of the Air (Prevention and Control of Pollution) Act, 1981 respectively, for the limited purpose of fetching water for testing the effluent treatment plant for a period of two months subject to certain conditions.

2. It is stated by the learned counsel appearing for the fourth respondent that the order of closure had been passed by the Tamil Nadu Pollution Control Board against the industrial unit and the fourth respondent has preferred an appeal. It is during the pendency of the appeal, the fourth respondent had established the effluent treatment plant to satisfy



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the requirements of the Tamil Nadu Pollution Control Board to run the unit.

It is only in that connection, by the impugned orders, the Tamil Nadu Pollution Control Board, for the limited purpose of testing the efficiency of effluent treatment plant, directed the restoration of power supply. These orders are put to challenge by raising a dispute with regard to the title without disclosing the proceeding that was before the civil Court.

3. It is in the said circumstances, this Court, agreeing with the submissions made by the learned counsel appearing for the fourth respondent, finds no merits or bona fides in prosecuting these writ petitions by the petitioner. It is the fourth respondent who has challenged the order of closure of unit. The fourth respondent is making earnest efforts to run the unit with the consent of TNPCB. It is at the instance of petitioner who wants to take over the industry, has now with an ill-motive, raises objection for the industry being run by fourth respondent. The very fact that the petitioner opposes the running of unit in which he claims right shows the real object behind this writ. Therefore, the writ petitions are dismissed with costs of Rs.20,000/- (Rupees twenty thousand only) payable by the



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petitioner to the Adyar Cancer Institute, Chennai within a period of two weeks from the date of receipt of a copy of this order. Consequently,

W.M.P.Nos.31507, 31508, 31509, 31510 of 2023 are also dismissed.

Index : yes/no

(S.S.S.R.,J.)

(N.S.,J.)

Neutral citation : yes/no

08.02.2024

SS

To

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4. The Director/Dean
Adyar Cancer Institute
Adyar, Chennai 600 020



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S.S.SUNDAR,J.

AND

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