



WP.No.34684 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

AND

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

WP.No.34684 of 2023

WMP.Nos.34645, 34647 to 34650 of 2023

1. Sakthivel
2. Manickam
3. Sekar

Petitioners

Vs

1. The Member Secretary, Tamil Nadu Pollution Control Board, Chennai-32
2. The Director, Town and Country Planning, Chennai-107
3. The District Collector, Namakkal
4. The District Environmental Engineer, Tamil Nadu Pollution Control Board Salem 106
5. The Joint Director of Agriculture, Salem 636001
6. The Assistant Director, Town and Country Planning, Salem 636302.
7. The Block Development Officer, Mallasamudram Panchayat Union Namakkal 637503
8. The President, E.Pudupalayam Panchayat, Mallasamudram Namakkal 637 503
9. The Village Administrative Officer, Irugalur Pudupalayam Village Sankari Taluk, Salem
- 10.M/s.Sivaguru Steel Rolling Mill Private Limited, by its Managing Director, Namakkal 638183



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11.L.A.D.Palanisamy

Respondents

Prayer:- This Writ Petition has been filed, under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records relating to the No Objection Certificate in letter No.E1/1514/2023, dated 24.03.2023 from the 5th Respondent to the 2nd Respondent in respect of the steel rolling mill of the Respondents 10 and 11 and the consequential proceedings in Consent Order No.2301149508887, dated 29.01.2023 under Section 25 of the Water (Prevention and Control of Pollution) Act, 1974 and Consent Order No.2301249508887, dated 29.01.2023, issued under Section 21 of Air (Prevent and Control of Pollution) Act, 1981, on the file of the 4th Respondent, granted to the 10th Respondent steel rolling mill and to quash the same.

For Petitioners : Mr.D.Shivakumaran

For Respondents : Mr.V.Gunasekar, Standing Counsel-RR1 and 4
Mr.G.Nanmaran, SGP-RR2,3,5 to 9
Mr.N.Manoharan-RR10 and 11

ORDER

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

1. This Writ Petition is filed to issue a Writ of Certiorari to call for the records relating to the No Objection Certificate in letter No.E1/1514/2023, dated 24.03.2023 from the 5th Respondent to the 2nd Respondent in respect of the steel rolling mill of the Respondents 10 and 11 and the consequential proceedings in Consent Order No.2301149508887, dated 29.01.2023 under



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Section 25 of the Water (Prevention and Control of Pollution) Act, 1974 and Consent Order No.2301249508887, dated 29.01.2023, issued under Section 21 of Air (Prevent and Control of Pollution) Act, 1981, on the file of the 4th Respondent, granted to the 10th Respondent steel rolling mill and to quash the same.

2. This Court heard learned counsel for the Petitioner and the Respondents and also perused the materials placed on record.
3. This Court, earlier by order dated, 03.04.2024, directed the Respondents 1 and 2 to file a status report after making spot inspection. However, no such report is filed by them.
4. The case of the Petitioner is that the 10th Respondent Mill has been established in the land belonging to the 11th Respondent after getting consent orders from the 4th Respondent/ District Environmental Engineer, Tamil Nadu Pollution Control Board, Salem. The Writ Petition has been filed, challenging the No Objection Certificate issued by the 5th Respondent and the consequential consent orders in favour of the 10th Respondent. As against the same, it is admitted that an efficacious and alternative remedy of filing an appeal before the Appellate Authority is available to the Petitioner.
5. Having regard to the fact that the Petitioner has raised issues, which are seriously disputed by the Respondents 10 and 11, this Court finds that it would be appropriate for the Petitioner to approach the Appellate Authority and exhaust the alternative and efficacious remedy of filing an appeal against the impugned proceedings.



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and
N.SENTHILKUMAR, J.

Srcm

6. With the liberty preserved to the Petitioners to avail alternative remedy, this Writ Petition is dismissed. No costs. Consequently, the connected WMPs are closed.

(S.S.S.R.J.) & (N.S.J.)
05.06.2024

Index:Yes/No
Web:Yes/No
Speaking/Non Speaking
Neutral Citation
Srcm

To

1. The Member Secretary, Tamil Nadu Pollution Control Board, Chennai-32
2. The Director, Town and Country Planning, Chennai-107
3. The District Collector, Namakkal
4. The District Environmental Engineer, Tamil Nadu Pollution Control Board
Salem 106
5. The Joint Director of Agriculture, Salem 636001
6. The Assistant Director, Town and Country Planning, Salem 636302.
7. The Block Development Officer, Mallasamudram Panchayat Union
Namakkal 637503
8. The President, E.Pudupalayam Panchayat, Mallasamudram, Namakkal-503
9. The Village Administrative Officer, Irugalur Pudupalayam Village
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