



W.P(MD)No.2779 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.2779 of 2024
and
WMP(MD)No.2773 of 2024

T.Kannan

.. Petitioner

Vs

1.The District Collector,
Collectorate,
Kanyakumari District at Nagercoil.

2.The District Forest Officer,
District Forest Office,
Kanyakumari District at Nagercoil.

3.The District Environmental Engineer,
Kanyakumari District at Nagercoil.

4.The Executive Officer,
Mandaicaud Town Panchayat,
Madaicaud,
Kanyakumari District.

5.Stephen

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus, directing the official



W.P(MD)No.2779 of 2024

respondents to take appropriate action against the 5th respondent and to stop illegal wood industry run in the name and style of “Rahoboth Timbers and Saw Mill” without obtaining proper permission from the authority concerned by considering the representation of the petitioner dated 17.01.2024.

For Petitioner : Mr.SC.Herold singh

For Respondent : Mrs.K.Christy Theboral
Addl. Govt. Pleader for R1 and R2

:Mrs.Vijayakumari Nadarajan
For R3 (T.N.Pollution Control Board)

:Mrs.Farjana Ghousiya
Spl. Govt. Pleader for R4

:Mr.Ragatheeshkumar
for M/s. Issac Chambers
for R5

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, to the official respondents to take appropriate action against the 5th respondent and to stop illegal wood industry run in the name and style of “Rahoboth Timbers and Saw Mill” without obtaining proper permission from the authority concerned by considering the representation of the



W.P(MD)No.2779 of 2024

petitioner dated 17.01.2024.

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2. The petitioner submitted that the petitioner is an agriculturist and the resident of the Manavalakurichi Village, Kalkulam Taluk, Kanyakumari District. The 5th respondent purchased the property situated adjacent to his residential building on 30.08.2019 in survey No.485/6B, 485/28B and 485/5A2 of 6th Ward, Manavalakurichi Village, Kalkulam Taluk, Kanyakumari District, wherein 50 coconut trees were there. After purchasing the said property, the 5th respondent destroyed all the coconut trees from the said property and kept vacant for sometime. Thereafter, he put-up a construction in the said vacant land so as to run a wood industry. The petitioner and the village people also objected it, since it was surrounded by residential houses, the wood industry would cause both air pollution and noise pollution in that locality. According to him, there are several old age people living and already they are suffering from various ailments. According to him, without getting proper permission from the proper authorities the 5th respondent started the wood industry. As per the mandate issued by the Hon'ble Supreme Court of India, the Central Empowered Committee alone has to give permission. The State Level



W.P(MD)No.2779 of 2024

Committee has to recommend the Central Empowered Committee. According to him, the 5th respondent did not get any permission from the State Level Committee or Central Empowered Committee and hence, the petitioner seeks interference of this Court.

3. The learned Additional Government Pleader and the learned counsel for the 5th respondent submitted that the licence to run the Saw Mill in the name of “Rahoboth Timbers and Saw Mill” was granted to the 5th respondent, vide Licence No.TIR/KAN/VEL/RG0018/2022 dated 30.05.2022, after satisfying the Rules and Regulations prescribed in the Tamil Nadu Regulation and Wood Based Industries Rule, 2010 and after obtaining clearance certificate from the appropriate authority and after getting permission from the Central Empowered Committee. Hence, the 5th respondent was granted licence to run Saw Mill. They also submitted that the petitioner has come before this Court without ascertaining the actual facts.

4. Heard the learned counsel appearing for both side and perused the materials available on record.



W.P(MD)No.2779 of 2024

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4. The papers produced before this Court shows that originally WP(MD)No.16977 of 2023 was filed before this Court by some other persons in this regard. This Court vide order dated 04.08.2023 closed the writ petition by stating that the said order shall not stand in the way of the Tamil Nadu Pollution Control Board as well as the Local Body to independently apply their mind to process the application stated to have been filed by the 9th respondent/5th respondent herein for giving consent to establish/consent to operate the said Saw Mill.

5. Further in the letter dated 09.02.2024, the Executive Officer, Mandaikadu Town Panchayat, Kanniyakumari District stated that on 08.12.2023, emergency meeting was conducted and the Executive Officer of the Town Panchayat, Mandaikadu Town Panchayat, Kanniyakumari District, objected the same and the No Objection Certificate given by the Pollution Control Board and Health Department was also objected and the meeting was adjourned. Thereafter, in the meeting conducted on 19.01.2024 also, they objected the No Objection Certificate obtained by the 5th respondent. Though this issue was informed through written submission to the District Collector, Nagercoil, since the President of the said Town Panchayat had



W.P(MD)No.2779 of 2024

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objected the same, the Executive Officer was not in a position to grant permission to the 5th respondent. Further, the property of the 5th respondent was classified as 'Punja Land' and the said land was classified as 'திட்டமில்லாத பகுதி'. Hence as per the Town Panchayat Act, 1971, permission was granted to run an industrial unit and technical permission was also granted by the concerned authorities. On 08.09.2023, the 5th respondent sent a representation to the Executive Officer, Madaikadu Town Panchayat, Kanniyakumari District for recommendation to get permission from the Ministry of Micro, Small & Medium Enterprises. On 12.12.2022, the Directorate of Town and Country Planning has also given permission. Based on the recommendation made by the Executive Officer, on 07.09.2020, the Ministry of Micro, Small & Medium Enterprises also given permission for registration. In the earlier writ petition, the 5th respondent herein/Stephen was directed not to proceed further establishing/saw mill till such time he obtains consent from the Tamilnadu Pollution Control Board as well as the local body and also the Tamil Nadu Pollution Control Board as well as the Local Body was directed to independently consider and process the application of the 9th respondent to give consent.



W.P(MD)No.2779 of 2024

WEB COPY

6. The Tamil Nadu Pollution Control Board through its proceedings dated 15.08.2023 in Proceedings No. F.1866NGL/GS/DE/TNPCB/NGL/A/2023, has given consent to establish or take steps to establish the saw mill in the name and style of “Rahoboth Timbers and Saw Mill” in survey No.485/6B, 485/28B and 485/5A2 of 6th Ward, Manavalakurichi Village, Kalkulam Taluk, Kanyakumari District, under Section 21 of the Air(Prevention and Control of Pollution) Act, 1981, as amended in 1987. The consent was issued to establish the industry in the site mentioned in the above said survey number. Further, the consent is valid upto March 21, 2028 or till the industry obtains consent to operate under Section 21 of the Air (Prevention and Control of Pollution)Act, 1981 as amended in 1987, whichever is earlier, subject to special and general conditions enclosed along with that proceedings.

7. The Health Department vide letter dated 20.10.2023 in Pa.Mu.No. 9160/A3/2023 has granted permission with certain conditions. The Tahsildar, Kalkulam, has also given permission vide communication dated 24.08.2022 and the Executive Officer, Mandakadu Town Panchayat, Mandakadu also sent recommendation to the Collector on 22.01.2024 to



W.P(MD)No.2779 of 2024

WEB COPY

give consent. The Tamilnadu Pollution Control Board has also given consent, which is valid upto March 21, 2028 or till the industry obtains, whichever is earlier. The 5th respondent /Stephen had already taken steps for getting appropriate approval. Since the Tamil Nadu Pollution Control Board had already given consent, as per the orders of the Division Bench of this Court, dated 04.08.2023, the Executive Officer, Mandakadu Town Panchayat, Mandakadu alone is the authority to pass orders in this regard and accordingly, the Executive Officer, Mandakadu Town Panchayat, Mandakadu/4th respondent herein is directed to pass appropriate orders within a period of eight (8) weeks from the date of receipt of a copy of this order after following the conditions scrupulously.

8. With the above direction, this writ petition is disposed of. No Costs. Connected miscellaneous petition is closed.

12.02.2024

Index : Yes/No
Internet : Yes/No
NCC : Yes/No

PJL



W.P(MD)No.2779 of 2024

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To

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2.The District Forest Officer,
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Kanyakumari District at Nagercoil.

3.The District Environmental Engineer,
Kanyakumari District at Nagercoil.

4.The Executive Officer,
Mandaicaud Town Panchayat,
Madaicaud,
Kanyakumari District.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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W.P(MD)No.2779 of 2024

V.BHAVANI SUBBAROYAN, J.

PJL

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