



W.P.(MD) No.11008 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.07.2024

CORAM:

**THE HON'BLE MR.D.KRISHNAKUMAR, ACTING CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR**

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Vijayakannan

... Petitioner

-vs-

- 1.The Secretary to Government
Department of Health and Social Welfare
Secretariat
Fort St.George, Chennai-600 009
- 2.The District Collector / Monitoring Authority
Sivagangai District
Sivagangai
- 3.The Superintendent of Police
Sivagangai District
Sivagangai
- 4.The District Revenue Officer
Sivagangai District
Sivagangai
- 5.The Tahsildar
Ilayankudi Taluk
Sivagangai District



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6.M/s.Balan Hot Mix Plants
rep.by its Proprietor – Balan
S/o.Veluchamy
Ayyampatti
Salaigramam Post
Ilayankudi Taluk
Sivagangai District

7.M/s.Balan Hot Mix Plants
rep.by its Partner – Tamilmaran
S/o.Veluchamy
Ayyampatti
Salaigramam Post
Ilayankudi Taluk
Sivagangai District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents to vacate the Balan Hot Mix Plants Factory owned by the respondents 6 and 7 situated at Ayyampatti, Salaigramam Post, Ilayankudi Taluk, Sivagangai District, on the basis of the petitioner's representation dated 22.03.2024.

For Petitioner : Mr.A.Karthigaivel

For Respondents : Mr.P.Thilakkumar
Government Pleader for R1, R2, R4 & R5
Mr.T.Senthil Kumar
Additional Public Prosecutor for R3
Mr.S.Malaikani for R6 & R7



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ORDER

[Order of the Court was made by The Hon'ble ACTING CHIEF JUSTICE]

Prayer in this writ petition is to direct the respondents to vacate Balan Hot Mix Plants Factory owned by the respondents 6 and 7, situated at Ayyampatti, Salaigramam Post, Ilayankudi Taluk, Sivagangai District, on the basis of the petitioner's representation dated 22.03.2024.

2. According to the petitioner, he is a resident of Ayyampatti Village, Salaigramam Post, Ilayankudi Taluk, Sivagangai District, where more number of middle class people are living. In the said Village, the respondents have started a Thar Plant, namely, M/s.Balan Hot Mix Plants, in Survey No. 169/10, for the purpose of mixing thar and other materials for laying roads. It causes air pollution and water pollution. The toxic fumes emanating from the said Plant has engulfed the entire area, thereby the residents of the said village are suffering from shortness of breath, dizziness, eye irritation etc. That apart, it has also affected the irrigation to the surrounding agricultural lands. Though the respondents 6 and 7, who run the said plant, are having houses in the said village, even they have also shifted their residence to the nearby village. Ventilating the said grievance, the petitioner gave a



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representation, dated 22.03.2024, with the first respondent seeking remedial action to be taken. However, no action has been taken on the petitioner's representation. Hence, this writ petition.

3. Learned Government Pleader appearing for the respondents 1 to 5, on instructions, submitted that though the petitioner alleges that the Plant run by the respondents 6 and 7 causes air pollution and water pollution, the fact remains that based on the application submitted by the respondents 6 and 7 for establishing the Plant, the Tamil Nadu Pollution Control, under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981, as amended in 1987 and the Rules and Orders made thereunder, has granted a No Objection Certificate / Consent Order to the respondents 6 and 7 and it is valid upto 31.03.2029 or till the Industry obtains consent to operate under Section 21 of the said Act, whichever is earlier, subject to fulfilment of the special and general conditions enclosed with the said Consent Order. Hence, if the petitioner is having any grievance with regard to violation of any of the conditions imposed on the part of the respondents 6 and 7, he can approach the authority concerned and work out his remedy in accordance with law. Therefore, the petitioner has filed this writ petition at the premature stage and it is liable to be dismissed.



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4. In reply, learned counsel for the petitioner submitted that if any violation of the conditions identified on the part of the respondents 6 and 7, the petitioner may be granted liberty to approach the authority concerned for redressal of his grievance in accordance with law.

5. In view of the above submissions, this writ petition is disposed of granting liberty to the petitioner to approach the authority concerned, if the respondents 6 and 7 violate any of the conditions imposed on them by the Tamil Nadu Pollution Control Board, while granting No objection Certificate / Consent Order dated 21.05.2024, and work out his remedy in accordance with law. No costs.

[D.K.K., A.C.J.] [R.V., J.]

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

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and
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