



W.P.(MD) No.13491 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.06.2024

CORAM:

THE HONOURABLE **MR.JUSTICE R.SURESH KUMAR**

AND

THE HONOURABLE **MR.JUSTICE G.ARUL MURUGAN**

W.P.(MD)No.13491 of 2024

Senthil Arasi

... Petitioner

-Vs-

1.The Commissioner of Madurai Corporation,
O/o.Madurai Corporation, Madurai District.

2.The Regional Pollution Control Board,
Madurai Region Office,
Tamil Nadu Pollution Control Board,
SIDCO Industrial Estate,
Kappalur, Thirumangalam Taluk, Madurai District.

3.The Designated Officer,
O/o. The Deputy Director of Health Service,
Multipurpose Health Supervisors (F),
Training School, Viswanathapuram,
Madurai District-625 014.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to take appropriate action as against the persons, who committed illegal activity, based on the petitioner's representation in the form of complaint dated 24.05.2024 made to the respondents.



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For Petitioner : Mr.A.Ramesh
For R1 : Mr.K.Marisekaran
For R2 : Mrs.S.Vijayakumari Natarajan

ORDER

[Order of the Court was made by *R.SURESH KUMAR, J.*]

The prayer sought for in this Writ Petition is to direct the respondents 1 to 3 to take appropriate action as against the persons, who committed illegal activity, based on the petitioner's representation in the form of complaint dated 24.05.2024 made to the respondents.

2.Even though such prayer has been sought for, the learned counsel for the petitioner has submitted that in front of the house of the petitioner, kitchen activities are going on as regular basis for commercial nature, in which, the fire woods have been procured in the very street itself, where they put up vessels and based on the fire wood, cooking activities are taking place in the very street itself, thereby, it causes so much of air pollution and ingress and egress of the nearby residents are getting affected.



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3. In this regard, though a complaint had been given or representation had been made on 24.05.2024, since no action had been taken, the petitioner has approached this Court by filing this Writ Petition.

4. Heard the learned counsel for the petitioner and the learned counsel for the respondents 1 and 2 respectively.

5. The learned counsel for the 2nd respondent would submit that, that kind of activities, affecting the environment in the street or in the locality, is going on and pursuant to which, already instructions have been given by the 2nd respondent to the 1st respondent to take action against the erring persons.

6. However, the learned counsel for the 1st respondent would submit that such a communication is yet to be received from the 2nd respondent and even then, the 1st respondent would have an independent inspection in the street or in the locality and would verify as to whether such activities are going on still and if it is so, suitable action would immediately be taken in accordance with law to prevent such activities in the very street itself ie., in front of the petitioner's house in the name of S.M.A.A. Catering or any other name.



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7.The said submissions made by the learned counsel for both sides are taken on record.

8.In view of the undertaking given by the 1st respondent, there shall be a direction to the 1st respondent to have an inspection in the spot concerned and to verify as to whether such activity as alleged by the petitioner is going on still and if it is so, immediate remedial measures to stop such activities shall be taken by the 1st respondent.

9.With this direction, this Writ Petition is disposed of. No costs.

[R.S.K., J.] & [G.A.M., J.]
25.06.2024

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

Yuva

To
The Commissioner of Madurai Corporation,
O/o.Madurai Corporation, Madurai District.



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AND

G.ARUL MURUGAN, J.

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