



W.P.(MD)No.23344 of 2024



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2024

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CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD)No.23344 of 2024
and
W.M.P.(MD)No.19761 of 2024**

M/s.Ganeshan Padmavathy Educational
Trust,
Represented by its Trustee,
V.Ilango,
S/o.G.Vetrivel,
10/125, Ramachandrapuram,
Thoothukudi-628 103.

... Petitioner

-VS-

1.The District Collector,
Collectorate,
Thoothukudi.

2.The Assistant Director,
District Town and Country
Planning Development,
Thoothukudi District.

3.Tamilnadu Pollution Control Board,
Rep. by its Member Secretary,
No.76, Mount Salai,
Guindy, Chennai-600 032.

4.The District Environmental Engineer,
Tamilnadu Pollution Control Board,
C7 & C8, SIPCOT Industries Campus,
Meezhavittan,
Thoothukudi-628 008.

5.The President / Executive Officer,
Kumaragiri Panchayat,
Thoothukudi Taluk and District.

<https://www.mhcoya.org/>



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6.M/s.KPS Pallets,
No.108/8A, Kumaragiri Village,
Ramachandrapuram,
Thoothukudi-628 103.

...Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 and 2 herein to forbear the establishment of wooden pallets manufacturing company or any wood based industry named as M/s.KPS Pallets Company or otherwise by the 6th respondent or any one claiming under him within close proximity to the petitioner's school premises in compliance with all applicable environmental and zoning regulations and to protect the health, safety, and well-being of the students and staff of the petitioner's school by maintaining a pollution-free environment in accordance with the law.

For Petitioner	:	Mr.V.R.Shanmuganathan
For R-1 & R-2	:	Mr.P.Thilak Kumar, Government Pleader
For R-3 & R-4	:	M/s.S.Vijayakumari Natarajan

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

By consent of both parties, this writ petition is taken up for final hearing, at the admission stage itself.

2. The prayer in the writ petition reads as follows:

“To issue a Writ of Mandamus, to direct the respondents 1 and 2 herein to forbear the establishment of wooden pallets manufacturing company or any wood based industry named as M/s.KPS Pallets Company or otherwise by the 6th respondent or any one claiming under him within close proximity to the petitioner's school premises in compliance with all applicable environmental and zoning regulations



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and to protect the health, safety, and well-being of the students and staff of the petitioner's school by maintaining a pollution-free environment in accordance with the law.”

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3. The main complaint of the petitioner is that permitting an industry manufacturing wooden pallets would cause severe noise pollution. We do not think we can safely decide the question relating to pollution in a writ petition under Article 226 of the Constitution of India, since better avenue is available to the petitioner in the form of Green Tribunal.

4. Hence, we dispose of the writ petition reserving the liberty to the petitioner to approach the National Green Tribunal seeking appropriate remedy. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.] [L.V.G., J.]
01.10.2024

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

To

1.The District Collector,
Collectorate,
Thoothukudi.

2.The Assistant Director,
District Town and Country
Planning Development,
Thoothukudi District.



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and
L.VICTORIA GOWRI, J.

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