



W.P(MD)No.25375 of 2022

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 01.03.2024**

**CORAM :**

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE  
and  
THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR**

**W.P(MD)No.25375 of 2022**

V.Shanmuganathan

... Petitioner

Vs.

1.The District Collector,  
Collectorate,  
Pudukkottai District,  
Pudukkottai.

2.The District Environmental Engineer,  
Pollution Control Board,  
Pudukkottai.

3.The Revenue Divisional Officer,  
Revenue Divisional Office,  
Aranthangi Taluk,  
Pudukkottai District.

4.The Tahsildar,  
Taluk Office,  
Manmelkudi Taluk,  
Pudukkottai District.



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5.The Block Development Officer,  
Manmelkudi Taluk,  
Pudukkottai District.

6.Thirumugugan  
Respondents

...

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first to fourth respondents to take appropriate action to prevent the unauthorized Calcium and Chittin factory in S.F.No.170/3 run by the 6<sup>th</sup> respondent namely Nine Star by encroaching the government land illegally without getting permission from the Government situate in East Coast Road existing within Kottaipattinam Panchayat, Manamelkudi Panchayat Union, Manamelkudi Taluk, Pudukkottai District and ensure the controlling of pollution.

For Petitioner : Mr.S.T.Sasidharan Tamilkani

For Respondents : Mr.P.Thilak Kumar - for R1 to R4

Government Pleader

Mr.V.Nirmal Kumar – for R5

Government Advocate

Mr.A.S.Vaigunth – for R6



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## **ORDER**

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

Heard Mr.S.T.Sasidharan Tamilkani, learned Counsel for the petitioner, Mr.P.Thilak Kumar, learned Government Pleader appearing for the respondents 1 to 4, Mr.V.Nirmal Kumar, learned Government Advocate appearing for the fifth respondent and Mr.A.S.Vaigunth, learned Counsel appearing for the sixth respondent.

**2.**The grievance of the petitioner is that the sixth respondent is running an unauthorized Calcium and Chittin factory in S.F.No.170/3, by encroaching on the Government land situated in the East Coast road illegally without getting permission from the Government.

**3.**According to the learned Counsel for the sixth respondent, the sixth respondent has not encroached on any Government land, he has got a patta over the land and also same is purchased under the registered sale deed. Three times inspection has been conducted by the Pollution Control Board and the sixth respondent has rectified all the deficiencies pointed out by the Pollution Control Board. The application for consent has not been processed by the Pollution



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Control Board.

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**4.**According to the learned Government Pleader, the said industry is a cottage industry. The petitioner is a resident of a different district.

**5.**It appears that sixth respondent has a patta over the land, so no question arises of encroachment. As far as consent to operate is concerned, it is stated that the application is pending with the second respondent. The second respondent shall take a decision upon the said application within four [4] months from today. Depending upon the decision taken by the Pollution Control Board upon the application for consent to operate, the parties may take further steps. If the consent is refused, the sixth respondent shall not proceed with the industrial activity till the sixth respondent is issued with the consent to operate. The sixth respondent shall also abide by the coastal regulations as may be applicable and if the coastal regulations if applicable are violated, the authorities may take appropriate action.

**6.**With these observations, the Writ Petition is disposed of. No



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**[M.S.K., J.]**

**[S.V.G.,**

**C.J.]**

**01.03.2024**

Index : Yes / No  
Neutral Citation : Yes / No  
MR

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**THE HONOURABLE CHIEF JUSTICE**  
**and**  
**MUMMINENI SUDHEER KUMAR, J.**

MR

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