



W.P.Nos.6304 & 6317 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2025

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CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.Nos.6304 & 6317 of 2025

and

W.M.P.Nos. 6942, 6944, 6946, 6947, 6953, 6954, 6956 & 6958 of 2025

W.P.No. 6304 of 2025

M/S.PERFORMANCE PRODUCTS AND SERVICES,
A PARTNERSHIP FIRM REPRESENTED BY ITS MANAGING PARTNER,
MR.R.PRADEEP KUMAR,
HAVING REGISTERED ADDRESS AT
NEW NO.2/132, OLD NO.2/116,
SENNEERKUPPAM,
CHENNAI NEW BYPASS,
TIRUVALLUR-600 056.
ALSO LOCATED AT
S.F.NO. 96/2B, 96/2C, KABILAKURICHI VILLAGE,
PARAMATHI VELUR TALUK,
NAMAKKAL DISTRICT,
TAMILNADU-637 204.

... Petitioner

Vs

1. THE DISTRICT COLLECTOR,
NAMAKKAL DISTRICT,
NAMAKKAL.
2. THE REVENUE DIVISIONAL OFFICER,
TIRUCHENGODE TALUK,
TIRUCHENGODE, NAMAKKAL DISTRICT
3. THE TAHSILDAR,
PARAMATHI VELUR TALUK OFFICE,



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PADAMUDIPALAYAM,
NAMAKKAL-638 182.

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4. R.PONNUSAMY
5. THE MEMBER SECRETARY,
TAMIL NADU POLLUTION CONTROL BOARD,
MOUNT SALAI,
CHENNAI - 600 032.
(R5-SUO MOTU IMPEADED AS PER
ORDER DATED 25.02.2025
IN WP.6304/2025 BY DBCJ)

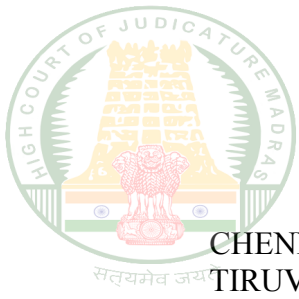
... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, forbearing the respondents No.1 to 3 from proceedings with or adjudicating the peace committee proceedings in Na.Ka.No.6217/2024/C dated 27.10.2024 on the file of the second respondent.

For Petitioner	: Mr.Sricharan Rangarajan Senior Counsel Assisted by Mr.K.Gowtham Kumar
For R1 to R3	: Dr.S.Suriya Additional Government Pleader
For R4	: Mr.V.Gunasekar Standing Counsel

W.P.No. 6317 of 2025

M/S.PERFORMANCE PRODUCTS AND SERVICES,
A PARTNERSHIP FIRM REPRESENTED BY ITS MANAGING PARTNER,
MR.R.PRADEEP KUMAR,
HAVING REGISTERED ADDRESS AT
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SENNEERKUPPAM,



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CHENNAI NEW BYPASS,
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ALSO LOCATED AT
S.F.NO. 96/2B, 96/2C, KABILAKURICHI VILLAGE,
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Vs

1. THE DISTRICT COLLECTOR,
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TIRUCHENGODE, NAMAKKAL DISTRICT
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PADAMUDIPALAYAM,
NAMAKKAL-638 182.
4. THE ASSISTANT / JUNIOR ENGINEER,
OPERATION AND MAINTENANCE,
TAMIL NADU GENERATION AND DISTRIBUTION
CORPORATION LTD (TANGEDCO),
KABILARMALAI (PO), PARAMATHI VELUR- 637 204.
5. R.PONNUSAMY
5. THE MEMBER SECRETARY,
TAMIL NADU POLLUTION CONTROL BOARD,
MOUNT SALAI,
CHENNAI - 600 032.
(R6-SUO MOTU IMPEADED AS PER
ORDER DATED 25.02.2025
IN WP.6317/2025 BY DBCJ)

... Respondents



W.P.Nos.6304 & 6317 of 2025

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for entire records pertaining to the proceeding in Na.Ka.No.6217/2024/C dated 27.10.2024 on the file of the second respondent herein, quash the same and forbear the respondents No. 1, 2, 3 from interfering with the petitioner to conduct their occupation and business at S.F.No.96/2B, 96/2C, Kabilakurichi Village, Paramathi Velur Taluk, Namakkal District with an extent of 4.3 acres without any intervention and hindrances.

For Petitioner	: Mr.Sricharan Rangarajan Senior Counsel Assisted by Mr.K.Gowtham Kumar
For R1 to R3	: Dr.S.Suriya Additional Government Pleader
For R4	: Mr.S.Kalaiselvan (TANGEDCO)
For R6	: Mr.V.Gunasekar Standing Counsel

COMMON ORDER

The prayer in W.P.No. 6304 of 2025 is to forbear the respondents No.1 to 3 from proceeding with or adjudicating the peace committee proceedings in Na.Ka.No.6217/2024/C dated 27.10.2024 on the file of the second respondent.



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2. The prayer in W.P.No. 6317 of 2025 is to call for the entire records pertaining to the proceedings in Na.Ka.No.6217/2024/C dated 27.10.2024 on the file of the second respondent, quash the same and forbear respondent Nos. 1, 2, and 3 from interfering with the petitioner in conducting their occupation and business at S.F.No.96/2B, 96/2C, Kabilakurichi Village, ParamathiVelur Taluk, Namakkal District, covering an area of 4.3 acres without any intervention or hindrances.

3. Heard *Mr.Sricharan Rangarajan* , the learned counsel appearing on behalf of the petitioner, *Dr.S.Suriya* , the learned Additional Government Pleader appearing on behalf of respondents 1 to 3, *Mr.S.Kalaiselvan* , the learned counsel appearing on behalf of TANGEDCO and *Mr.V.Gunasekar* , the learned Standing Counsel appearing on behalf of the Tamil Nadu Pollution Control Board.

4. The case of the writ petitioner is that the petitioner is a partnership firm. It purchased the land with buildings in S.F. No. 96/2B, 96/2C, Kabilakurichi Village, Paramathi Velur Taluk, Namakkal District. A pre-



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existing coir factory was located on the premises. The petitioner acquired the property to establish a jaggery production factory. It is stated that the petitioner has taken all possible steps to comply with the statutory rules and regulations currently in force. The petitioner has initiated the process of setting up a jaggery production unit by seeking the necessary permissions from various authorities. The petitioner has obtained the following approvals from different authorities:-

S.No.	Date	Approval/Permissions
1	09.02.2024	The Petitioner had obtained Registration Certificate No. 33AAIFP2825Q1ZU under Goods and Services Act – FORM GST REG – 06 for the factory in the scheduled premises
2	16.03.2024	Name Transfer Order Copy obtained from TANGEDCO to the Petitioner firm's name for the purposes of obtaining Electricity in respect of scheduled premises.
3	27.04.2024	Registration with the MSME Council for the purpose of registering the Petitioner's firm as a Medium Enterprise engaged in the business of manufacturing of Jaggery.
4	24.05.2024	The petitioner had obtained from the Tamil Nadu Pollution Control Board Consent to Establish Certificate provided to the Petitioner firm for establishing a jaggery production factory in the scheduled premises.
5	10.06.2024	The petitioner had applied for planning permission before the Directorate of Town and Country Planning and an acknowledgement receipt was provided by the authorities.
6	22.07.2024	The Petitioner had obtained a Certificate of approval issued by the Deputy Directorate of Industrial Safety and Health, Salem for the installation of buildings and machinery in factory in the scheduled premises.
7	12.08.2024	The petitioner had obtained a provisional order Certificate of boiler / economiser registration No. TN182024094103 for the scheduled premises.



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8	21.08.2024	The petitioner had obtained a no objection certificate in K.Dis.No.8146/A/2024 – permission certificate issued by the fire & rescue and Disaster Management department.
9	28.08.2024	The Petitioner has obtained the requisite licenses issued by the ministry of food safety and public standard authority certificate No. 12424998000190 (FSSAI).
10	2023-2024	The Petitioner has paid property taxes.

5. The petitioner states that it was taken aback to discover certain individuals with ulterior motives lodging frivolous objections to the establishment of the jaggery production factory. No complaints were received from any person before 25.10.2024. However, between 25.10.2024 and 27.10.2024, these individuals disrupted operations at the scheduled premises by creating nuisances at the entrance and falsely accusing the petitioner of environmental pollution and operating without the required permissions. The petitioner was only conducting operations on a trial basis and had not yet opened the factory for commercial use. Meanwhile, the Inspector of Police forwarded a complaint, and the second respondent issued a summons on 27.10.2024 to appear for a Peace Committee meeting on 28.10.2024.

6. Furthermore, the second respondent called for a field inspection



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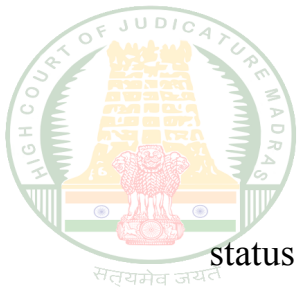
report, and a team of 15 different officials was formed for the inspection. The notice lacked any legal sanctity. Subsequently, a show cause notice was issued on 27.10.2024, detailing several allegations and observations made during the field inspection. The petitioner received the show cause notice only on 04.11.2024. On the same day, the second respondent issued proceedings to disconnect the electricity supply provided to the petitioner via EB connection No. 04-238-005-3660. This action was taken in violation of the principles of natural justice. After the Peace Committee meeting, it was unilaterally decided by the second respondent and the other authorities that the unit would be locked, and the keys to the premises would be handed over to the Tahsildar, Paramathi Velur. Accordingly, the second respondent also secured the premises under lock and key. The District Environmental Engineer, who had previously granted consent to establish the unit, issued a show cause notice dated 25.10.2024, stating that the petitioner had commenced operations without obtaining consent to operate. The operations were conducted only on a trial basis, and the effluent treatment plant was not operational as the factory had yet to become fully functional. The petitioner has undertaken that operations will commence only after obtaining consent to



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operate from the Pollution Control Board, and the effluent treatment plant will be used continuously and efficiently. Additionally, the petitioner will provide a zero liquid discharge system in the unit before the commencement of production. The sewage generated from the unit will be treated and disposed of solely through septic tank and soaking pit arrangements. The petitioner will also provide an elevated solar evaporation plan before production begins. The petitioner will ensure that the bagasse is stored in the closed shed provided within the unit and will not be stored outside the premises. Despite these measures, no action has been taken, and the matter has remained stagnant. It is under these circumstances that the writ petitions were filed.

7. When the writ petition was heard, a status report was submitted on behalf of the Revenue Divisional Officer. The Revenue Divisional Officer stated that a law and order situation arose due to allegations of discharging effluents into a nearby water body and onto the private lands of other farmers. Under these circumstances, during the joint inspection, several shortcomings were identified. These shortcomings are detailed in paragraph No. 10 of the



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status report, which is extracted below:

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“Based on report received from the various Department, it was found that Performance Products and Services factory was opened and running without the following License's:-

(i) Two borewells were used and 6000 liters of Ground Water were used without receiving No objection Certificate from AD (Geology), Ground water, Salem Division.

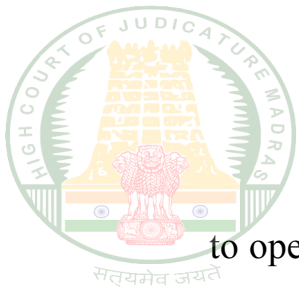
(ii) Sanitary Certificate was not obtained from the Health Department.

(iii) The main building along with office Building, Security Cabin, ETP building – Totally 5 Blocks was being operated without receiving DTCP Approval.

(iv) According to Tamil Nadu Panchayat Act 1994 Running License was not received from concerned Local Panchayat Union Office.

(v) Consent to operate was not received from Tamil Nadu Pollution Control Board and Factory was operated without permission and released the Waste Water inside the outside the factory which led to polluting the adjacent Agriculture land near by water bodies.”

8. Under these circumstances, this Court *suo motu* impleaded the Member Secretary of the Tamil Nadu Pollution Control Board and the District Environmental Engineer and requested their report. The report presented to this Court, along with the communication dated 25.02.2025, notes several shortcomings. It further stated that environmental compensation would be determined and that only after the payment of the same would further consent



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to operate be granted. Upon reviewing the submissions, two things were clear to this Court: firstly, that during the operations, which are claimed to be on a trial basis, when the matters escalated to the point of creating a law and order situation, absolutely no action was taken by the Tamil Nadu Pollution Control Board or its authorities. They had granted consent to establish, but they obviously turned a blind eye and didn't even visit the unit to check if it was operational. It is only under these circumstances that this Court issued an order directing the Member Secretary of the Tamil Nadu Pollution Control Board to depute two Joint Chief Engineers and a District Environmental Engineer from other jurisdictions to forthwith conduct a detailed inspection and submit a report. Following this, a report has been filed today. The inspection notes the following:

“During the time of inspection, following were noticed

1. The unit was not in operation.

2. It was ascertained that a law- and- order issue aroused during the month of October 2024 due to the operation of the unit M/s. Performance Products and Services (Jaggery Unit), S.F. Nos.96/2A, 96/2B & 96/2C, Kabilakurichi Village, ParamathiVelur Taluk, Namakkal District. To resolve the law- and- order issue the Revenue Divisional Officer (Sub Divisional Executive Magistrate) has organized for a meeting among the Divisional Level Core Committee Members.

3. Based on the views /opinion offered by the members of the



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Divisional Level Core Committee and considering law & order situation and because of the continuous protest carried out by local public in Kabilakurichi Village, the unit was locked by the Revenue Department. Further, orders were issued to the TANGEDCO to disconnect the power supply to the unit M/s. Performance Products and Services (Jaggery Unit), S.F. Nos.96/2A, 96/2B & 96/2C, Kabilakurichi Village, ParamathiVelur Taluk, Namakkal District.

4. The unit involves in the manufacturing of Jaggery Powder by crushing sugar cane by the following process such as Juice Heating (95 Degree Celsius) – Clarification by adding Lime and after obtaining the clear juice it is evaporated and concentrated Jaggery Power is packed and dispatched.

5. Construction of septic tank was underway. It was reported by the unit authorities that the soak pit would be provided shortly

6. The unit has provided Effluent Treatment Plant (ETP) for the treatment and disposal arising from the production process.

7. The unit has installed Boiler of capacity 3 TPH and fuel for the boiler is baggasse.

8. The unit has provided cyclone separator and wet scrubber to control the dust emission from the boiler.

9. The solid waste generated from the wet scrubbing activity was disposed haphazardly.

10. There was a huge quantity of white sugar stored in the godown and also the unit has stored the finished products (Jaggery powder) and rejected products in the godown.”

9. The report also contains further notes regarding the following violations and shortcomings related to the petitioner industry:-



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“It is respectfully submitted, that based on the observation made during the time of inspection of the unit carried out earlier by the officials of the O/o. DEE, TNPCB, Kumarapalayam (6th Respondent) on 25.10.2024, a Show Cause Notice was issued to the unit for the following violations noticed there under.

i. During inspection, it was noticed that the unit has commenced its production activity without obtaining consent to operate from the TNPC Board.

ii. The unit has provided ETP and it was found not under operation.

iii. It was noticed that the waste water generated from the unit's activities was stagnated inside the premises and discharged on land for open percolation without any treatment.

iv. Also, the waste water was discharged into nearby pond located in the south east side of the unit and has discharged into Gooseberry farm located in the northern side of the unit.

v. The sewage generated from the labour quarters is being let into open drain which confluence in the pond located in the southeast side of the unit.

vi. The unit has not provided Elevated Solar Evaporation Pan for the disposal of trade effluent arising from boiler blow down.

vii. The solid wastes such as mud, dried scum are found stored in the open land without any closed shed”.

10. The report also mentions the following conclusions in paragraph

No. 8:

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“8. It is respectfully submitted that the following are submitted as conclusion of the joint inspection of the JCEE (M), TNPCB, Salem and DEE, TNPCB, Salem.

i) The land available for the purpose of utilization of treated trade effluent is located outside the unit's premises and situated close to the vannarkuttai. Hence, the possibility of the effluent reaching the nearby Vannarkuttai cannot be ruled out.

ii) The unit has not provided Elevated Solar Evaporation Pan for the disposal of trade effluent arising from boiler blow down and hence the possibility for the unit to dispose the boiler blow down outside the unit's premises cannot be ruled out.

lii) The unit has provided by- pass arrangement in the ETP collection tank and hence it is presumed that the unit might have disposed the untreated trade effluent outside the unit's premises alleged by the complainants.

iv) The Septic Tank was under construction and hence the possibility of disposing the sewage outside of the premises by the unit cannot be ruled out.

v) From the Show Cause Notice issued by the 6th Respondent DEE, TNPCB, Kumarapalayam it is ascertained that the unit had operated the facility without obtaining the Consent to Operate of the Board”

11. In light of this, this Court rejects the various factual claims made by the petitioner. The officials have determined that it cannot be a trial run. Even a trial run must only be undertaken after consent to operate is granted. Therefore, the petitioner's arguments are untenable. Nevertheless, the unit is locked solely due to a law and order issue. Now that a detailed inspection has



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been conducted by the Pollution Control Board, the further course of action shall proceed in accordance with the law. Only if the petitioner obtains all statutory clearances can the operations commence, if permitted. However, the keys to the premises can be handed over to the petitioner. The disconnection of the electricity supply will be considered to have been executed by the Orders of the Pollution Control Board. After acquiring the necessary licenses and complying with the requirements outlined in the report of the Revenue Divisional Officer regarding groundwater extraction, construction of buildings, etc., the petitioner shall approach the Pollution Control Board for consent to operate. The Pollution Control Board shall conduct another inspection to verify whether the petitioner has met all the requirements as per the consent to establish, including provisions for effluent treatment, the installation of an elevated solar plant, or other facilities mandated by the consent to establish. Thereafter, upon satisfaction, the Pollution Control Board may grant the consent to operate, and only then will the electricity be restored to the petitioner. But this course of action is subject to the action that would be taken on the show cause notice already been issued for violations. It shall be taken to its logical conclusion. Should the allegations be proven,



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appropriate action will be taken, including the collection of compensation or cancellation of the permissions/consent already granted or other measures required by law.

12. In view thereof, if the petitioner is aggrieved by any action of the Pollution Control Board, there exists an appropriate alternative remedy for the petitioner under the relevant statutes. The Member Secretary of the Pollution Control Board shall instruct its subordinate officials that it is their duty to conduct frequent inspections of the unit to ensure that no illegal activities are occurring.

13. It is also noted that a large quantity of sugar is staged on the petitioner's premises. The learned senior counsel submits that the same was stacked to be added in appropriate proportions as production commences. Regarding the same, the Revenue Divisional Officer is directed to forward a copy of this Order by a communication to the Designated Officer under the Food Safety and Standards Act, 2006 for the authority to inspect the unit and determine the legality of the the action that was done. And if there is any



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violations of the law, further action can be taken.

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14. In view thereof, this writ petitions are disposed of on the following

terms:-

(i) The keys to the premises shall be handed over to the petitioner. However, the electricity connection shall remain to be disconnected until further orders are passed by the Tamilnadu Pollution Control Board and its authorities.

(ii) The fifth respondent or its subordinates shall proceed further with the show cause notice issued in respect of the petitioner and take appropriate action as per law, which may include all actions permissible under law;

(iii) Mitigation measures for the polluted waterbody or lands shall be carried out if necessary;

(iv) The petitioner can open its premises and carry out all the mandatory requirements and other improvements to make the unit compliant with all lawful measures.



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(v) The Pollution Control Board shall inspect the unit at least once a week to ensure there are no other production activities by the petitioner and to confirm that the petitioner is solely focused on complying with all statutory regulations;

(vi) If the consent to establish is saved, the consent to operate shall be granted only after thoroughly considering all mandatory requirements and confirming that the petitioner has met all requirements, including the shortcomings pointed out by the Revenue Divisional Officer regarding groundwater extraction, building permission, etc.

(vii) It is unnecessary to mention that even if the petitioner is aggrieved, he can approach the appropriate forum regarding any orders that may be issued in accordance with the law. The petitioner shall not prevent any other authority from conducting inspections to ensure statutory compliance.

(viii) The Revenue Divisional Officer shall issue



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communication to the Designated Authority under the Food Safety and Standards Act, 2006 stated supra for their inspection regarding the usage of Sugar in the process. The Revenue Divisional Officer will also be entitled to carry out the inspection or cause any other appropriate authority to cause an inspection regarding the statutory compliances.

(ix) But for the Revenue Divisional Officer's prompt actions, the inaction of the Pollution Control Board would not have come to light, and the petitioner would have continued its activities without any statutory compliance whatsoever. This Court appreciates the Revenue Divisional Officer, Thiruchengode. This appreciation shall be recorded in the service records of the concerned Revenue Divisional Officer.

(x) Consequently, connected miscellaneous petitions are closed. No costs.

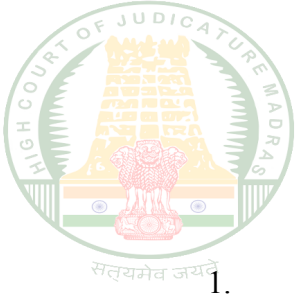
05.03.2025

Neutral Citation: Yes

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NAMAKKAL DISTRICT,
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D.BHARATHA CHAKRAVARTHY, J.

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