



W.P.No.9243 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

<i>Reserved on</i>	<i>25.06.2025</i>
<i>Delivered on</i>	<i>01.09.2025</i>

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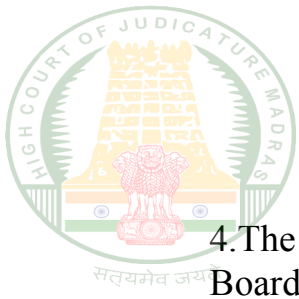
THE HONOURABLE MRS.JUSTICE J.NISHA BANU
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN
W.P.No.9243 of 2025

M/s.AMS and Company
Rep By Its Proprietor,
S.Ashik Mohammad,
S/o.Syed Mohammad,
160, V.O.C.Colony,
Avinashi Taluk,
Tiruppur-641 654,

... Petitioner

Versus

- 1.The District Collector,
7/1,State Bank Road, Gopalapuram,
Coimbatore -641 018.
- 2.The Tahsildar
Mettupalayam Taluk, Mettupalayam,
Coimbatore District.
- 3.The Village Administrative Office,
Chikkaram Palayam Village,
Mettupalayam Taluk,
Coimbatore District.



W.P.No.9243 of 2025

4.The Tamil Nadu Pollution Control
Board

No.5, Ramasamy Nagar,
Goundampalayam,
Coimbatore -641 030.

Prayer: Writ Petition is filed under Article 226 of the Constitution, praying for issuance of a Writ of Mandamus, to direct the Respondents to de-seal the premises located at S.F.No. 723, Chikkaram Palayam Village, Mettupalayam Taluk, Coimbatore District and the plant contained therein with immediate effect.

For Petitioner(s): Mr.Muthuchharan Sundaresh

For Respondent(s): Mr. M.Venkateswaran, Spl GP
For Rr1 To 3
Mr. V. Gunasekar St.C For
TNPCB/R4

ORDER

(By J.Nisha Banu,J.)

This Writ Petition has been filed, praying for the issuance of a Writ of Mandamus, to direct the Respondents to de-seal the premises located at S.F.No. 723, Chikkaram Palayam Village, Mettupalayam Taluk, Coimbatore District and the plant contained therein with immediate effect.



W.P.No.9243 of 2025

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2. According to the petitioner, he purchased the subject property in a public auction and leased out the same to one Mr.F.Jaffer Ali by entering into a lease agreement dated 13.10.2023. While so, on 29.04.2024 at about 7.45 pm, ammonia gas leak had taken place in the plant and immediately, necessary action had been taken by all the concerned officials and the Unit authorities had reported that they have arrested the leakage in the pipeline and the issue was settled at 10.00 p.m. Later, an FIR was registered against the lessee of the petitioner and arrested him and later, he was enlarged on bail.

3. On 30.04.2024, the Tamil Nadu Pollution Control Board (TNPCB) had issued closure order to M/s.AMS and Company pursuant to the recommendations of the District Environment Engineer, TNPCB, Coimbatore North on the ground that the Unit had carried out establishment/renovation works without obtaining consent from TNPCB and without adopting precautionary measures for handling ammonia unit. The TANGEDCO also disconnected the power supply to the Unit after completion of the removal of residual ammonia from the system.



W.P.No.9243 of 2025

4. The grievance of the petitioner is that the Revenue Officials, without even issuing any notice to the petitioner, sealed the factory containing not only the plant and machinery, but also the entire land comprised in S.F.No.732, Chikkarampalayam village, Mettupalayam taluk, Coimbatore District, admeasuring to an extent of 9.62 acres. In the mean time, a theft in respect of valuable equipment and machinery from the plant had taken place and the petitioner lodged a complaint before the concerned police. Further, despite notice dated 27.01.2025 and detailed communication dated 27.01.2025 to the respondents, requesting to de-seal the premises, till date no action has been taken by the authorities, which prompted the petitioner to come forward with the present Writ Petition.

5. A counter affidavit has been filed on behalf of the 4th respondent/TNPCB, wherein, it is stated that on hearing the news of Ammonia leakage from the unit, about 250 people in the nearby habitation of Chenniveerampalayam were evacuated to a marriage hall located at nearby village for safety by the District Administration in order to avoid major health risk to the public. The Unit authorities reported that they have



W.P.No.9243 of 2025

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arrested the leakage in the pipeline and settled the issue at 10.00 pm and no ammonia gas smell observed afterwards. As requested by the District Administration, Ambient Air Quality survey was conducted and found that the concentration levels of the gas are within the limit. Thereafter, based on the recommendation of the District Environmental Engineer, TNPCB, Coimbatore North, had issued for closure and disconnection of power supply to the unit since the unit had carried out establishment/renovation works without obtaining CTE/CTO from TNPCB and without adopting any precautionary measures for handling ammonia. However, as still 50% of the gas was present in the system, the same was removed by transferring it to the cylinders from the receiver tank. After removal of residual ammonia from the system, the TANGEDCO disconnected the power supply and thereafter, the Unit was under closure.

6. A Status report was filed by the 1st respondent/District Collector, stating that as a part of renovation works, the new management has involved in reactivating the refrigeration system by filling about 300 kg of Ammonia Gas in its cooling circulation system and while carrying out



W.P.No.9243 of 2025

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testing of the refrigeration system on 29.04.2024, the ammonia gas started leaking due to breakage in pipeline and started dispersing into the nearby habitation of Chenniveerampalayam and thereafter, immediately, necessary steps were taken by evacuating the public to a marriage hall for safety. On 30.04.2024, the habitants of Chenniveerampalayam were agitating against the unit and demanded to close down the unit permanently. The TNPCB has engaged the services of M/s.Vijay Corporation, Navakkarai, Coimbatore to remove the remaining gas existing in the pipeline and also engaged the expert team from M/s.Chemplast, Mettur and others and the process of complete removal of ammonia was completed and handed over the unit. Thereafter, a case was lodged against the concerned of M/s.AMS Company for the leakage of ammonia gas and thereafter, the company was closed and sealed on 30.04.2024 at 11.25 p.m. in the presence of Revenue Divisional Officer and other officials.

7. Mr.Muthucharan Sundaresh, learned counsel for the petitioner would contend that due to gas leak, the factory was sealed on 30.04.2024 without issuing any notice to the petitioner and without assigning the



W.P.No.9243 of 2025

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reasons thereof by the Revenue Officials and the prolonged sealing of the factory has made it vulnerable to theft, resulting in the loss of valuable materials and assets and the various plants and trees within factory premises are in dire need of water and maintenance. He would also contend that the factory from where the leakage of the gas had occurred, is situated within the area of 1 acre, while the Officials had sealed the entire entire 9.68 acres of land and prevented the petitioner from entering into his property. He also submitted that after removal of the balance ammonia, there is no possibility of further leakage or to run the factory and hence, the petitioner vide communication dated 27.01.2025 requested the respondents to de-seal the property and gave an undertaking that the plant will not be opened in complete and total compliance of the closure order of the TNPCB, however, the request of the petitioner to de-seal the property, has not been considered. Hence, he would urge this Court to issue necessary directions to the respondents.

8. On the other hand, the learned Standing counsel for the TNPCB, while reiterating averments made in the Status Report, would submit that



W.P.No.9243 of 2025

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without obtaining licence from the authorities, the new management of M/s.AMS & Company has involved in reactivating the refrigeration system by filling about 300 kg of Ammonia gas in its cooling circulation system and due to breakage in the pipeline, the ammonia gas started leaking and the officials had immediately rushed to the spot and brought the situation under control and also with the help of M/s.Vijay Corporation and M/s.Chemplast Mettur, completely removed the residual ammonia that was existing in the system by transferring the same to the cylinders from the receiver tank and thereafter, pursuant to the District Administration, the unit came to be sealed.

9. Mr.M.Venkateswaran, learned Special Government Pleader for the respondents 1 to 4 while reiterating the averments of the counter filed on behalf of the 1st respondent, would submit that after the incident of leakage of ammonia gas, the authorities had taken all safety measures and since the petitioner indulged in renovation works without obtaining CTE/CTO from the TNPCB and without adopting precautionary measures for handling ammonia, the Revenue Officials have rightly sealed the premises on

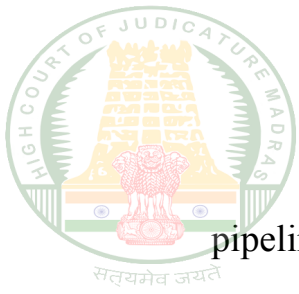


W.P.No.9243 of 2025

30.04.2024 and if the premises are de-sealed, the petitioner against would attempt to restart the unit in which event, the residents of Chenniveerampalayam would make agitation and hence, he would pray this Court to dismiss the Writ Petition.

10. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents 1 to 4 and the learned Standing counsel for TNPCB/4th respondent and perused the entire materials available on record.

11. On perusal of the status report filed on behalf of the 1st respondent and counter affidavit filed on behalf of the TNPCB/4th respondent, it reveals that the occurrence of Ammonia Gas leakage incident had taken place on 29.04.2024 at 7.45 p.m., from the petitioner company while the management of the petitioner company were attempting to reactivate the refrigeration system by filling about 300 kg of Ammonia Gas in its cooling circulation system and while carrying out testing of the refrigeration system, the ammonia gas started leaking due to breakage in



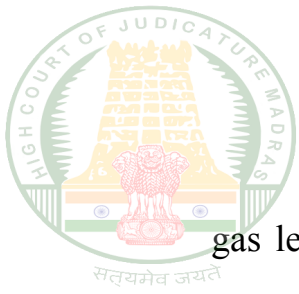
W.P.No.9243 of 2025

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pipeline and started dispersing into the nearby habitation of Chenniveerampalayam. After the incident, the authorities had rushed to place of occurrence and brought that situation under control by taking all safety measures. On 30.04.2024, the Tamil Nadu Pollution Control Board (TNPCB) had issued closure order of the petitioner company and accordingly, the company was closed and sealed on 30.04.2024 at 11.25 p.m., in the presence of Revenue Divisional Officer and other officials. TANGEDCO also disconnected the power supply to the Unit after completion of the removal of residual ammonia from the system.

12. It appears that the entire premises including the plant of the petitioner company have been kept under lock and seal from 30.04.2024 onwards till date, by which, the petitioner has been prevented from entering into the premises and managing the property. By now, the premises have been under lock and seal more than one year period.

13. Indisputably, the company run by the petitioner was hazardous to the public in and around the area and due to the occurrence of Ammonia



W.P.No.9243 of 2025

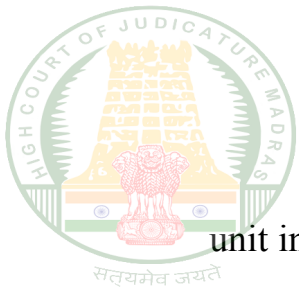
gas leakage on 29.04.2024, the respondents rushed to place of occurrence and brought the situation under control by taking all safety measures.

14. It is stated by the learned counsel for the respondents that during the past one year, after sealing of the premises, no adverse remarks have been reported that the petitioner management had violated any conditions.

15. Considering the prayer of the petitioner for de-sealing of the premises and taking note of the facts and circumstances of the case, first of all, the petitioner company shall not attempt to reactivate the refrigeration system using Ammonia Gas in its cooling system ;

secondly, the petitioner company shall take protective measures to run any other unit except Ammonia gas cooling system unit and take all safety measures, considering the risk posed by the chemical unit to the surrounding residents.

16. Since the petitioner premises has been kept under lock and seal, the only option available to the petitioner is to close/shut down the entire



W.P.No.9243 of 2025

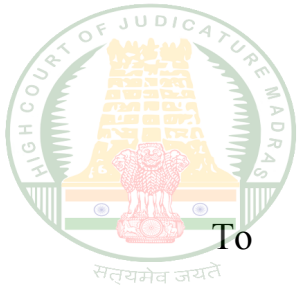
unit in order to take possession of the property. The respondent shall de-seal the premises only if the Petitioner-company files an undertaking that the entire unit has been closed/shut down. On filing of an undertaking to the aforesaid effect by the petitioner, the 1st respondent shall de-seal the premises and plant, located at S.F.No.723, Chikkram Palayam Village, Mettupalayam Taluk, Coimbatore District, within a period of two weeks from the date of filing of the affidavit of undertaking by the petitioner. No costs.

17. The Writ Petition is disposed of with the above direction. No costs.

(J.N.B.J.,) (M.J.R,J.,)
01.09.2025

Index: Yes / No
Internet: Yes / No
Speaking Order / Non Speaking Order

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W.P.No.9243 of 2025

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W.P.No.9243 of 2025

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