



WEB COPY

WP No. 11017 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-04-2025

CORAM

THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

WP No. 11017 of 2025

1. M.Asharaf Ali
S/o. Mohammed Sharif,
12 , Balaiya Avenue, Luz Church
Road, Mylapore, Chennai-04.

Petitioner(s)

Vs

1. Tamil Nadu Pollution Control Board
Rep By Its District Environmental Engineer,
Chennai South District Office, 1st Floor,
No.14, 2nd Main Road, Jagannathapuram ,
Rajalakshmi Nagar,
Velachery, Chennai -42.

2.M/s.Appaswamy Real Estates
Rep By Its Authorized Representative No.3,
Mangesh Street, T.Nagar, Chennai -17.

Respondent(s)



PRAYER

Directing the 1st respondent to take immediate and necessary action on the complaint dated 10.02.2025 vide complaint No. 596010736 filed by the petitioner against the 2nd Respondent and pass directing the 1st respondent to consider the complaint dated 10.02.2025 vide complaint No. 596010736 filed by the petitioner against the 2nd respondent.

For Petitioner(s): Mr.R.Advaiddh Nelakanttan for
M/s.Ark Law Associates

For Respondent(s): Mr. V. Gunasekar SC for TNPCB For R1,
Mr.Vishnu Mohan For R2

ORDER

(Order of the Court was made by S.M.Subramaniam J.)

The Writ of Mandamus has been instituted to direct the 1st respondent to take immediate and necessary action on the complaint dated 10.02.2025 vide complaint No. 596010736 filed by the petitioner against the 2nd Respondent and to direct the 1st respondent to consider the complaint dated 10.02.2025 vide complaint No. 596010736 filed by the petitioner against the 2nd respondent.

2. The petitioner is residing at No.12, Balaiya Avenue, Luz Church Road, Mylapore, Chennai-04. The petitioner lodged a complaint before the 1st respondent stating that the 2nd respondent is constructing a huge building nearby his house and creating huge noise pollution affecting the health and life of the petitioner. Even during the night times, the construction activities are going on and therefore, the petitioner filed a complaint. Since the 1st respondent failed to



initiate action, the present Writ petition came to be instituted.

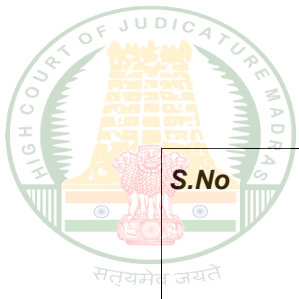
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3. Mr.Vishnumohan, learned counsel for the 2nd respondent would submit that the construction activities are undertaken by the 2nd respondent in between 8 a.m and 6 p.m everyday, and the 2nd respondent has not violated the pollution laws.

4. Learned counsel for the petitioner disputed the said statement by stating that they have taken measurement through apps, which would reveal that the noise pollution is running to 100 decibels over and above the permissible limit under the Noise Pollution Rules. Thus, the 1st respondent ought to have initiated action based on the complaint.

5. Learned Standing Counsel for the Tamil Nadu Pollution Control Board submitted a copy of the inspection report, dated 11.04.2025 and as per the report, the Noise Pollution levels are stated as follows,

S.No	Location	Ambient Air Quality Standards in respect of Noise in Day Time	Machineries in idle condition	Machineries in Operational condition
1	North side of the construction site	65 (As per land use map, the site is located in commercial use zone)	52.8	56.1
2	East side of the construction site (Apartments near	65	61.3	69.5



S.No	Location	Ambient Air Quality Standards in respect of Noise in Day Time	Machineries in idle condition	Machineries in Operational condition
	the construction side)			
3	West side of the construction site	65	65.4	71.0
4	East side of the complainant house	55 (Residential area as per the Land use map)	43.3	44.4

6. That apart, the Tamil Nadu Pollution Control Board issued a circular Memo.TNPCB/LAW/LA-1/006655/2025, dated 15.04.2025, issuing guidelines to the authorities of Pollution Control Board to initiate strict action as per the noise pollution rules and other relevant laws. Therefore, the authorities are bound to implement orders of the Chairperson, Tamil Nadu Pollution Control Board scrupulously.

7. In view of the fact that the petitioner is raising a serious complaint of huge noise pollution affecting the health and life, the 1st respondent is directed to periodically conduct inspection and monitor the building construction activities and ensure that the health and life of the residents of that locality are protected and the pollution control laws are scrupulously followed. In the event of any violation, all appropriate actions ought to be initiated by following procedures as contemplated.



8. Accordingly, the the Writ Petition stands allowed. No costs.

Consequently, the connected Miscellaneous Petitions, if any, are closed.

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(S.M.SUBRAMANIAM J.)(K.RAJASEKAR J.)

30-04-2025

gd

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To
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Engineer, Chennai South District
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Road, Jagannathapuram , Rajalakshmi
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