



W.P.No.32598 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2025

CORAM

THE HON'BLE MR. JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR. JUSTICE K. RAJASEKAR

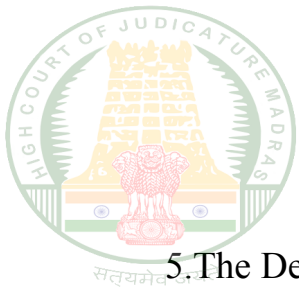
Writ Petition No.32598 of 2024

1.P.S.Ramasamy
2.V.Mayilsamy
3.S.Subramani

... Petitioners

Vs.

- 1.The Chairperson,
Department of Environment,
No.1, Jeenis Road,
Panagal Building, Ground Floor,
Saidapet, Chennai – 600 015.
- 2.The District Collector,
Office of District Collector,
Fort Main Road,
Salem – 636 001.
- 3.The Joint Chief Environmental Engineer (Monitoring),
Tamil Nadu Pollution Control Board,
No.9, 4th Cross Street, Brindhavan Road,
Fairlands, Salem – 636016.
- 4.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
1/276, Meyyanur Main Road, Salem – 636004.



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5. The Deputy Director of Agriculture,
Salem – 636001.

6. The Executive Officer,
P.N.Patti Town Panchayat, Salem District.

7. M/s. Nutri Flavours Private Limited,
Rep. By its Director K.M. Sakthivel,
S.F.No.146/1B2, 146/3,
Potaneri Nalla Goundampatti Village,
Mettur Taluk, Salem District.
Head Office at
No.88/2, AB Block,
1st Street, Anna Nagar,
Chennai – 600 040.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to direct the respondents 1, 2 & 4 to consider the resolution passed by the petitioners on 30.08.2024, seeking action against the 6th respondent's industry and its closure to safeguard the right to life of the villagers, and pass orders within time frame fixed by this Court after providing opportunity to the petitioners.

For Petitioners : Mr.S.Kousik-MS/2474/2018

For RR1, 2 & 5 : Mr.G.Ameedius,
Government Advocate

For RR3 & 4 : Mr.V.Gunasekar,
Standing Counsel for TNPCB

For R6 : Mr.P.Ganesan

For R7 : Mr.B.Thirumalai



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ORDER

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

The writ of mandamus has been instituted to direct the respondents 1, 2 and 4 to consider the resolution passed by the petitioners on 30.08.2024, seeking action against the 7th respondent's Industry and its closure to safeguard the right to life of the villagers, and pass orders within time frame fixed by this Court after providing opportunity to the petitioners.

2. With reference to the grievances of the petitioners that the 7th respondent Industry is causing pollution and violating environmental norms, the Pollution Control Board authorities have initiated actions. Inspections were conducted and the authorities found that the Pollution Norms are violated, further enforcement actions are initiated.

3. The learned Standing Counsel for the Tamil Nadu Pollution Control Board relying on the counter would submit that the electricity power supply was disconnected on 14.01.2025 and the industry is not functioning as on today. Even on earlier occasion, the electricity connection was disconnected and even after disconnection, the 7th respondent continued to violate pollution and based



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on the representation of the 7th respondent, electricity connection was restored.

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During next inspection also, the authorities found that the 7th respondent violates the Pollution Control Rules and direction was issued and the relevant paragraphs of the counter in paragraph Nos.19 and 20 which reads as under:

“19.It is respectfully submitted that based on that the unit was inspected by TNPCB officials on 19.10.2024 and recommended for consideration of suspension of closure direction and temporary restoration of power supply to the unit. The Board has issued the suspension of closure direction and temporary restoration of power supply to the unit for a period of 2 months up to 13.01.2025 subject to the following conditions vide proc dated 12.11.2024.

I.The unit shall carry out the implementation of additional odour control through NEERI as reported and shall furnish the study report within 2 months.

II.The unit shall provide compound wall all around the unit's premises within 2 months.

III.The unit shall operate the ZLD system effectively and continuously so as to achieve zero discharge in the unit.



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IV.The unit shall ensure that no overflow of seepage effluent/percolation to nearby land/water source owned by private/public at any point of time.

V.The unit shall maintain log books to verify the operation of ETP.

VI.The unit shall improve the operation of APC measures to address the public complaints.

20.It is respectfully submitted that based on the above it is clear that the action has been taken against the unit by the answering Respondents for the non compliance of consent conditions. At present the Board has issued the suspension of closure direction and temporary restoration of power supply to the unit only for a period of 2 months up to 13.01.2025 subject to the conditions for implementation of Pollution Control measures as mentioned above.”

4. In view of the fact that the action has already been initiated by the Pollution Control Board Authorities, they are directed to ensure that the law relating to Pollution Control is complied with scrupulously.



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5. With the above observation, the writ petition stands disposed of. There shall be no order as to costs.

(S.M.S., J.) (K.R.S., J.)
25.03.2025
(1/2)

ssi

Index: Yes

Speaking Order: Yes/No

Neutral Citation Case : Yes/No

To:

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Department of Environment,
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- 2.The District Collector,
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