



W.P.No.34156 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2025

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CORAM :

**THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD**

**Writ Petition No.34156 of 2019**  
**and W.M.P.No.34773 of 2019**

Sree Balaaji Machine Duct,  
Rep. by its Proprietor,  
Mr.K.Arumugam

... Petitioner

Vs.

1.The Commissioner,  
Anakaputhur Municipality,  
Chennai – 600 070.

2.The District Environment engineer,  
The Tamil Nadu Pollution Control Board, Maraimalai Nagar,  
1<sup>st</sup> Main Road, Chenglepet District – 603 209.

(R2 impleaded as per order dated 08.01.2020 made in WMP.109/2020 in  
WP.34156/2019 by PDAJ)

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for the impugned order passed by the second respondent in his proceeding Na.Ka.No.1444/2019/H1, dated 06.11.2019 and quash the same and consequently direct the respondent herein to permit the petitioner to run the unit.

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For Petitioner : Mr.K.Raja

For Respondent 1 : Mr.P.Srinivas,  
Standing Counsel

For Respondent 2 : Mr.B.N.Suchindran,  
Standing Counsel

### **ORDER**

This writ petition has been filed by the petitioner to call for the impugned order passed by the second respondent in his proceeding Na.Ka.No.1444/2019/H1, dated 06.11.2019 and quash the same and consequently direct the respondent herein to permit the petitioner to run the unit.

2. The case of the petitioner is that the petitioner is running a business under the name Sree Balaaji Machine Duct, operates at Plot No. 129, Tirumalai Nagar 5th Street, Anakaputhur, Chennai, after relocating from No. 7, VOC 1st Street, Anakaputhur. The business was initially granted a trade license following a court order in 2009 and later obtained a valid license for



the current premises, which was set to expire on 31.03.2020. The unit, which operates with 8 HP motors, is situated near a bypass road in a mixed residential zone. On 12.09.2019, the petitioner received a notice alleging high noise levels, followed by another notice on 05.11.2019, and eventually, the license was canceled on 06.11.2019. The complaint leading to these actions was filed by an individual, not residents. The petitioner subsequently obtained a report from the Tamil Nadu Pollution Control Board (TNPCB), confirming the unit operated within permissible limits. Despite this, the authorities did not revoke the closure order. Hence, the petitioner has come forward with the present writ petition.

3. Learned counsel for the petitioner would submit that the second respondent has granted a certificate that the petitioner's unit is a white industry and the same can be located in the residential area, according to the Tamil Nadu Combined Development and Building Rules, 2019.

4. Learned standing counsel appearing for the first respondent would submit that petitioner's unit is not a cottage industry and they are



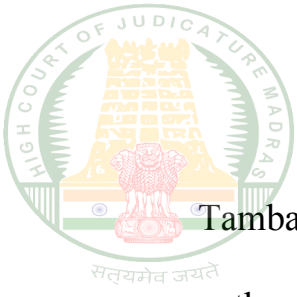
manufacturing centralized AC duct, which is made of iron and steel and the noise will be generated while the work is in progress and the same is above the decibel level stipulated by the Tamil Nadu Pollution Control Board. Hence, the impugned notice was issued by first respondent, cancelling the license to run the petitioner's unit.

5. Learned standing counsel appearing for the first respondent would further submit that the unit cannot be situated in a residential area and the same is to be situated in the industrial area or a non-residential area.

6. Learned standing counsel for the second respondent submitted that the noise level of the unit in the day time and night time is above the stipulated limit. Hence, the action taken by the first respondent is correct and in accordance with law.

7. Heard the learned counsel on either side and perused the materials available on record.

8. Since the Anakaputhur Municipality has been merged with the



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Tambaram City Municipal Corporation in the year 2021, the competent authority to consider the case of the petitioner is The Commissioner, Tambaram City Municipal Corporation, Tambaram.

9. In view of the above factual matrix of the case, this Court issues the following direction:

(i) The petitioner is directed to send a representation to the Commissioner, Tambaram City Municipal Corporation, Tambaram by enclosing all the relevant documents including the certificate issued by the second respondent, which states that petitioner's unit is a white industry and no consent is required to operate the same in the residential area, within a period of two weeks from the date of receipt of a copy of this order.

(ii) On such receipt, the The Commissioner, Tambaram City Municipal Corporation, Tambaram is directed to consider the same, after giving due notice to the petitioner, affording an opportunity of personal hearing, considering the documents submitted by the petitioner on merits, in accordance with law and pass appropriate orders within a period of eight



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weeks thereof.

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10. This writ petition is disposed of with the aforesaid observation and directions. No costs. Consequently, connected miscellaneous petition is also closed.

**26.03.2025 (vm)**

Index : Yes/No  
Speaking Order : Yes/No  
Neutral Citation : Yes/No

**J.SATHYA NARAYANA PRASAD,J.**

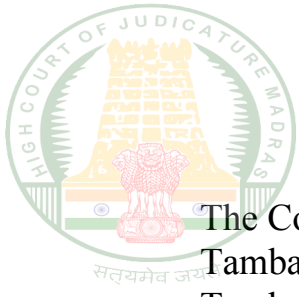
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To:

- 1.The Commissioner,  
Anakaputhur Municipality,  
Chennai – 600 070.
- 2.The District Environment engineer,  
The Tamil Nadu Pollution Control Board, Maraimalai Nagar,  
1<sup>st</sup> Main Road, Chengalpet District – 603 209.

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The Commissioner,  
Tambaram City Municipal Corporation,  
Tambaram.

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