



W.P.(MD)No.5923 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.5923 of 2025

and

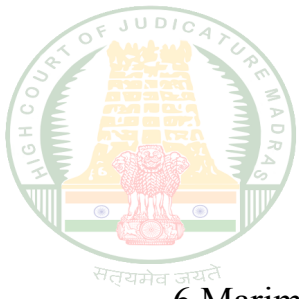
W.M.P.(MD)No.4329 of 2025

Indragandhi

... Petitioner

-VS-

- 1.The District Collector,
Pudukkottai District.
- 2.District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Pudukkottai District.
- 3.The Assistant Director (Village Panchayat),
O/o. District Collector,
Pudukkottai.
- 4.The Block Development Officer,
Kunnandar Kovil Panchayat Union,
Kunnandar Kovil Post,
Kulathur Taluk,
Pudukkottai District.
- 5.The Special Officer,
Kulathur Village Panchayat,
Kulathur Post and Taluk,
Pudukkottai District.



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6.Marimuthu @ Mariyappan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the fifth respondent to take appropriate action for the closure of the sixth respondent's unit as per the order passed by the fourth respondent in Na.Ka.Thi 6/903/2024 dated 28.11.2024.

For Petitioner	:	Mr.P.Ganapathi Subramanian
For R1 to R3 and R5	:	Mr.C.Venkateshkumar Special Government Pleader
For R4	:	Mr.Oli Raja Government Advocate

ORDER

This Writ Petition has been filed seeking a direction to the fifth respondent to take appropriate action for the closure of the sixth respondent's unit as per the order passed by the fourth respondent in Na.Ka.Thi 6/903/2024, dated 28.11.2024.

2. By consent, this Writ Petition is disposed of, at the admission stage itself.



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3. Since no adverse orders are going to be passed against the sixth respondent, notice to the sixth respondent is hereby dispensed with.

4. The petitioner submits that the sixth respondent, a nearby resident, is operating a commercial unit for manufacturing Murukku on his property, using an asbestos shed. The entire area has become polluted due to the smoke emanating from the unit. Furthermore, the walls of the petitioner's house have been severely damaged by the smoke and the petitioner is experiencing various health issues as a result of the smoke emissions. Therefore, the petitioner sent several representations to the first respondent. The second respondent conducted a field visit and instructed the fourth respondent to take appropriate action for the closure of the sixth respondent's unit. Subsequently, the fourth respondent, through proceedings dated 28.11.2024, directed the fifth respondent to take action for the closure of the unit. However, despite the directions from the respondents 2 and 4, the fifth respondent failed to take any effective steps to close the sixth respondent's unit. Hence, the present writ petition.

5. Heard both sides.



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6. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.

7. In the light of the above observations, there shall be a direction to the respondents 4 and 5 herein to consider the petitioner's representation dated 14.02.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, the sixth respondent as well as all other persons, who may be interested in the subject matter, within a period of two months from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the respondents 4 and 5 to consider the same on its own merits.



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8. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes / No
Index : Yes / No
smn2

05.03.2025

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VIVEK KUMAR SINGH, J.

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