
(2010) 09 MAD CK 0393

In the Madras High Court

Case No : Writ Petition (MD) No. 11935 of 2010

Dr. P.L. Meenakshisundaram

APPELLANT

Vs

The District Collector and Others

RESPONDENT

Date of Decision : 20-09-2010

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2010) 09 MAD CK 0393

Hon'ble Judges : S. Nagamuthu, J;P. Jyothimani, J

Bench : Division Bench

Advocate : R. Sundar Srinivasan, for the Appellant; V. Rajasekaran, Spl. Govt. Pleader for Respondent Nos. 1 to 4 and R. Raman Lal, for the Respondent

Judgement

P. Jyothimani, J.—Learned Special Government Pleader takes notice on behalf of Respondents 1 to 4 and Mr. R. Raman Lal, learned Standing Counsel for the Tamil Nadu Pollution Control Board, takes notice for Respondent No. 6.

2. The writ petition is for a direction against the Respondents to consider the representation of the Petitioner, dated 24.01.2010, for appropriate action as per the judgment of a Division Bench of this Court reported in -Appa Rao M.S. v. Government Tamil Nadu and Anr. 1995 1 L.W. 319

3. The case of the Petitioner is that by virtue of various Kalyanamandapams situated nearby his place, all kinds of noise pollution is being created in respect of which, he has given a complaint to Respondents 1 to 4 and in spite of the said complaint having been given as early as on 24.01.2010, there has been no action taken. It is the further case of the Petitioner, as submitted by the learned Counsel, that as per the judgment of the Division Bench of this Court in Appa Rao, M.S. v. Government Tamil Nadu and another 1995 1 L.W. 319, in respect of noise pollution, while framing certain guidelines, the Division Bench has directed that separate cell has to be set up in the office of the Commissioner of Police in the City of Madras and in the Office of the Superintendent of Police in each District to receive complaints against the violation of the conditions and such

complaints are to be registered and investigated and disposed of.

4. It is the case of the learned Counsel for Respondent No. 6, the Tamil Nadu Pollution Control Board, that noise pollution in respect of Kalyanamandapams and other places are not within the control of the Pollution Control Board and the Pollution Control Board is concerned about the pollution caused by industrial activities.

5. In such view of the matter, inasmuch as the Petitioner has made a representation to Respondents 1 to 4 on 24.01.2010, we are of the view that the Respondents should be directed to consider the said representation and pass orders in the manner known to law. Accordingly, the writ petition stands disposed of with a direction against the 2nd Respondent to consider the representation of the Petitioner, dated 24.01.2010 and pass appropriate orders, on merits and in accordance with law, and also taking into consideration the judgment of this Court in Appa Rao, M.S. v. Government Tamil Nadu and another 1995 1 L.W. 319 and such an order shall be passed expeditiously, in any event not later than four weeks from the date of receipt of a copy of this order. It is needless to say that while considering the representation of the Petitioner, the 2nd Respondent shall give notice to all the parties concerned against whom allegations for making noise pollution are made. No order as to costs.