

**BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI**

**Application No. 85 of 2017 (SZ)**

**IN THE MATTER OF:**

S. Selvakumar  
S/o. Sellamuthu,  
Metraithottam,  
Vallipuram Privu,  
Suriyampalayam,  
Karudayampalayam Village,  
Karur District.



... Applicant(s)

**AND**

1. The Member Secretary,  
Tamil Nadu State Pollution Control Board,  
76, Anna Salai,  
Guindy, Chennai-600 032
2. The District Environment Engineer,  
Tamil Nadu State Pollution Control Board,  
26, Ramakrishnapuram West,  
Karur District-639 001
3. M/s. Vinayaka Hot Mix Plant  
Represented by its Proprietor  
Mr. Palaniappan,  
S.F.No.4, Karudayampalayam Village,  
Aravakurichy Taluk,  
Karur District.

... Respondent(s)

**Counsel appearing for the Applicant:**

**M/s.M. Vetri Selvan and M.Easan**

**Counsel appearing for the Respondents:**

**Mrs. H.Yasmeen Ali for R1 and R2**

**ORDER**

**PRESENT:**

**HON'BLE SHRI JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER**

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**Dated 09<sup>th</sup> August, 2017**

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Whether the Judgement is allowed to be published on the Internet – Yes/No  
Whether the Judgement is to be published in the All India NGT Reporter – Yes/No

The application is filed Under Section 14 of the National Green Tribunal Act, 2010 for a permanent injunction restraining respondent No.3 from running M/s.Vinayaka Hot Mix Plant, except in accordance with law.

2. Though respondent No.3 was served, he did not appear. Respondent No.3 was called absent and was set ex-parte.

3. Respondent No.3 filed a reply stating that on 15.09.2016 the unit of respondent No.3 was inspected by the Assistant Engineer, Tamil Nadu State Pollution Control Board (TNPCB), Karur and recommended to issue show cause notice. On 22.09.2016, show cause notice was issued to respondent No.3. But respondent No.3 did not file any reply. Thereafter, respondent No.3 filed an application to grant Consent which was returned. It was not resubmitted thereafter. Respondent No.3 in turn by letter dated 08.05.2017 informed the Board that the unit has dismantled the machinery and they will not establish the Hot Mix Plant without obtaining prior consent to establish from the Board. The unit has also requested to drop further action. The reply also discloses that later, the officials of the Board inspected the unit and it was found that the unit was not under operation and it was observed that the unit in fact has already dismantled the machinery and the dismantled machinery were kept in the site.

4. In the light of the reply, nothing survives in the application, as the unit is not being operated and even the machineries stand dismantled. The unit in fact informed the TNPCB that they will not establish the unit without obtaining prior consent from the Board. The prayer of the applicant therefore does not survive further. Applicant is granted the liberty to approach the Tribunal, in case respondent No.3 starts operating the unit without the necessary Consents required under law.

5. The Application is disposed with no order as to costs.

Justice M.S. Nambiar  
Judicial Member

NGT