

M.Asharaf Ali vs Tamil Nadu Pollution Control Board

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Court : Chennai

Decided On : Apr-30-2025

Judge : Honourable Mr Justice S. M. Subramaniam, Honourable Mr. Justice K. Rajasekar

Appeal No. : WP/11017/2025

Appellant : M.Asharaf Ali

Respondent : Tamil Nadu Pollution Control Board

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-04-2025

CORAM

THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM AND THE
HONOURABLE MR. JUSTICE K. RAJASEKAR

1. M.Asharaf Ali S/o. Mohammed Sharif, 12 , Balaiya Avenue, Luz
Church Road, Mylapore, Chennai-04. Petitioner(s) Vs

1. Tamil Nadu Pollution Control Board

Rep By Its District Environmental Engineer, Chennai South District Office, 1st Floor, No.14, 2nd Main Road, Jagannathapuram , Rajalakshmi Nagar, Velachery, Chennai -42. 2.M/s.Appaswamy Real Estates Rep By Its Authorized Representative No.3, Mangesh Street, T.Nagar, Chennai -17. Respondent(s) PRAYER Directing the 1st respondent to take immediate and necessary action on the complaint dated 10.02.2025 vide complaint No. 596010736 filed by the nd petitioner against the 2 Respondent and pass directing the 1st respondent to consider the complaint dated 10.02.2025 vide complaint No. 596010736 filed by the petitioner against the 2nd respondent. For Petitioner(s): Mr.R.Advaidh Nelakanttan for M/s.Ark Law Associates For Respondent(s): Mr. V. Gunasekar SC for TNPCB For R1, Mr.Vishnu Mohan For R2

ORDER

(Order of the Court was made by S.M.Subramaniam J.) st The Writ of Mandamus has been instituted to direct the 1 respondent to take immediate and necessary action on the complaint dated 10.02.2025 vide nd complaint No. 596010736 filed by the petitioner against the 2 Respondent st and to direct the 1 respondent to consider the complaint dated 10.02.2025 vide nd complaint No. 596010736 filed by the petitioner against the 2 respondent.

2. The petitioner is residing at No.12, Balaiya Avenue, Luz Church

st Road, Mylapore, Chennai-04. The petitioner lodged a complaint before the 1 nd respondent stating that the 2 respondent is constructing a huge building nearby his house and creating huge noise pollution affecting the health and life of the petitioner. Even during the night times, the construction activities are going on st and therefore, the petitioner filed a complaint. Since the 1 respondent failed to initiate action, the present Writ petition came to be instituted.

3. Mr.Vishnumohan, learned counsel for the 2nd respondent would

submit that the construction activities are undertaken by the 2nd respondent in between 8 a.m and 6 p.m everyday, and the 2nd respondent has not violated the pollution laws.

4. Learned counsel for the petitioner disputed the said statement by

stating that they have taken measurement through apps, which would reveal that the noise pollution is running to 100 decibels over and above the permissible limit under the Noise Pollution Rules. Thus, the 1st respondent ought to have initiated action based on the complaint.

5. Learned Standing Counsel for the Tamil Nadu Pollution Control Board submitted a copy of the inspection report, dated 11.04.2025 and as per the report, the Noise Pollution levels are stated as follows, S.No Location Ambient Air Machineries in Machineries in Quality idle condition Operational Standards in condition respect of Noise in Day Time 1 North side of the 65 (As per land 52.8 56.1 construction site use map, the site is located in commercial use zone) 2 East side of the 65 61.3 69.5 construction site (Apartments near S.No Location Ambient Air Machineries in Machineries in Quality idle condition Operational Standards in condition respect of Noise in Day Time

the construction side) 3 West side of the 65 65.4 71.0 construction site 4 East side of the 55 (Residential 43.3 44.4 complainant house area as per the Land use map)

6. That apart, the Tamil Nadu Pollution Control Board issued a circular Memo.TNPCB/LAW/LA-1/006655/2025, dated 15.04.2025, issuing

guidelines to the authorities of Pollution Control Board to initiate strict action as

per the noise pollution rules and other relevant laws. Therefore, the authorities are bound to implement orders of the Chairperson, Tamil Nadu Pollution Control Board scrupulously.

7. In view of the fact that the petitioner is raising a serious complaint

st of huge noise pollution affecting the health and life, the 1 respondent is directed to periodically conduct inspection and monitor the building construction activities and ensure that the health and life of the residents of that locality are protected and the pollution control laws are scrupulously followed. In the event of any violation, all appropriate actions ought to be initiated by following procedures as contemplated.

8. Accordingly, the the Writ Petition stands allowed. No costs. Consequently, the connected Miscellaneous Petitions, if any, are closed. (S.M.SUBRAMANIAM J.)(K.RAJASEKAR J.) 30-04-2025 gd Index:Yes/No

Speaking/Non-speaking order

Internet:Yes Neutral Citation:Yes/No To 1.Tamil Nadu Pollution Control Board Rep By Its District Environmental Engineer, Chennai South District Office, 1st Floor, No.14, 2nd Main Road, Jagannathapuram , Rajalakshmi Nagar, Velachery, Chennai -42. 2.M/s.Appaswamy Real Estates Rep By Its Authorized Representative No.3, Mangesh Street, T.Nagar, Chennai -17. S.M.SUBRAMANIAM J. AND K.RAJASEKAR J. gd 30-04-2025

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