



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :29.04.2015

CORAM

THE HONOURABLE MR.JUSTICE.R.MAHADEVAN

W.P(MD).No.7143 of 2015
and MP(MD)No.1 of 2015

K.Arun

...Petitioner

Vs.

1.The State of Tamil Nadu,
rep.by the District Collector of Kanyakumari,
Nagercoil, Kanyakumari District.

2.The Town Planning Authority,
11A, Raman Pillai Street,
Ramavarmapuram,
Near P.D.Pillai Thirumanamandapam,
Nagercoil-629 001,
Kanyakumari District,
rep.by its Member-Secretary (P)

3.The Chairman,
Nagercoil Town Planning Authority cum
District Collector of Kanyakumari,
at Nagercoil,
Kanyakumari District.

4.The Panchayat Union,
Thuckalay,
Kanyakumari District,
Pin-629 175,
rep.by its Commissioner

5.The Panchayat Union Council,
Thuckalay Panchayat Union,
Thuckalay,
Kanyakumari District-629175,
rep.by its Chariman

6.The Maruthoorkurichy Village Panchayat,
Maruthoorkurichy,
Maruthoorkurichy P.O,
via Kattathurai,
Kanyakumari District,
rep.by its President.

7.The Health Officer,
Maruthoorkurichy Village Panchayat,
Maruthoorkurichy,
Maruthoorkurichy P.O,
via Kattathurai,
Kanyakumari District.



8.C.Sasikumar
9.Anija

...Respondents

This Writ Petition has been filed under Article 226 of the constitution of India praying for a Writ of Mandamus directing the respondents 1 to 7 to stop and prevent the running of any factory in S.No.259/11/A1A of Valvachagoshtam B Village, Saathivilai, Maruthoorkurichy Post, via Kattathurai, Kanyakumari District, by the respondents 8 and 9.

For petitioner : Mr.K.N.Thambi
For R.1 to 7 : Mr.S.Sadeeshkumar
Government Advocate

ORDER

The petitioner has come forward with this Writ Petition praying for a Writ of Mandamus directing the respondents 1 to 7 to stop and prevent the running of any factory in S.No.259/11/A1A of Valvachagoshtam B Village, Saathivilai, Maruthoorkurichy Post, via Kattathurai, Kanyakumari District, by the respondents 8 and 9.

2. Mr.S.Sadeeshkumar learned Additional Government Pleader takes notice for the official respondents.

3. By consent, this Writ Petition itself is taken up for final disposal.

4. The learned counsel appearing for the petitioner would submit that it would be suffice if the petition made by the petitioner, dated 04.04.2015 is disposed of, by the respondents, on merits and in accordance with law, after giving due notice to the petitioner, within the time stipulated by this Court.

5. The learned Government Advocate appearing for the respondents has no objection in considering the petition dated 04.04.2015 as per law.

6. Though the petitioner has sought for a larger relief in this Writ Petition, without going into the merits of the claim made by the petitioner in this Writ Petition, the first respondent is directed to pass appropriate orders on the petition, dated 04.04.2015, on merits and in accordance with law, after giving notice to the interested parties, especially, the 8th and the 9th respondents herein, within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, this Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

29.04.2015

BEING MENTIONED

This Writ Petition having been posted this day, Wednesday, the Third day of June, 2015 for being mentioned in pursuance too the order of this court dated 29.04.2015 and made herein in the present of Mr.K.N.Thampi, Advocate for the petitioner and of Mr.S.Sadeeshkumar, Government Advocate for the respondent, and the court made the following order:-

Today, this matter is listed under the caption for being mentioned.
<https://hcservices.ecourts.gov.in/hcscservices/>

2. The learned counsel for the petitioner would submit that in the penultimate paragraph, instead of giving direction to the first



respondent, it may be given to the 2 & 4 to 6 respondents who are the authorities to decide the issue in question.

3. In view of the above in para 6 of the order, instead of first respondent a direction is issued to the 2 & 4 to 6 respondents, the Registry is directed to take note of the charges and issue order copy fresh.

WEB COPY

Sd/-

Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar

To

1.The District Collector of Kanyakumari,
Nagercoil, Kanyakumari District.

2.The Member-Secretary (P)
The Town Planning Authority,
11A, Raman Pillai Street,
Ramavarmapuram, Near P.D.Pillai Thirumanamandapam,
Nagercoil-629 001, Kanyakumari District,

3.The Chairman,
Nagercoil Town Planning Authority cum
District Collector of Kanyakumari,
at Nagercoil, Kanyakumari District.

4.The Commissioner,
The Panchayat Union,
Thuckalay, Kanyakumari District,
Pin-629 175,

5.The Chariman,
The Panchayat Union Council,
Thuckalay Panchayat Union,
Thuckalay, Kanyakumari District-629175,

6.The President.
The Maruthoorkurichy Village Panchayat,
Maruthoorkurichy, Maruthoorkurichy P.O,
via Kattathurai, Kanyakumari District,

7.The Health Officer, Maruthoorkurichy Village Panchayat,
Maruthoorkurichy, Maruthoorkurichy P.O,
via Kattathurai, Kanyakumari District.

+1CC to M/s.K.N.Thambi, Advocate in SR.23489

W.P (MD) .No.7143 of 2015
and MP (MD) No.1 of 2015
03.06.2015

ssm

PBK/AMF 18/05/2015 ::3P-9C:

PBK/AMF 10/06/2015 ::3P-9C::