



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.10.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
and
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P(MD)No.8500 of 2014
and MP(MD)No.1 and 2 of 2014

N. SIVAKUMAR,
S/O. NAGAPPAN, 2/81F, NORTH STREET,
KANYAKUMARI - 629 702,
KANYAKUMARI DISTRICT. .. Petitioner

Vs.

- 1 UNION OF INDIA
REP. BY ITS SECRETARY MINISTRY OF
ENVIRONMENT & FOREST PARYAVARAN BHAVAN
CGO COMPLEX LODHI ROAD NEW DELHI-110 003.
- 2 THE GOVT. OF TAMILNADU
REP. BY ITS PRINCIPAL SECRETARY ENVIRONMENT
& FOREST DEPT. FORT ST. GEORGE CHENNAI-9
- 3 MEMBER SECRETARY THE TAMILNADU,
COASTAL ZONE MANAGEMENT AUTHORITY O/O.
THE DIRECTOR OF ENVIRONMENT NO.1 JEENIS
ROAD PANAGAL BUILDING GROUND FLOOR
SAIDAPET, CHENNAI-15.
- 4 THE DISTRICT COLLECTOR,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 5 KANYAKUMARI TOWN PANCHAYAT
REP. BY ITS EXECUTIVE OFFICER KANYAKUMARI-629 702
- 6 DISTRICT ENVIRONMENTAL
ENGINEER TAMILNADU POLLUTION CONTROL BOARD
30 KESARI ST. MATHIAS NAGAR, NAGERCOIL-629 001
KANYAKUMARI DISTRICT.
- 7 A. BASKAR
S/O. ARUMAINAYAGAM SURVEY NO.604/21
G.H. ROAD, KANYAKUMARI .. Respondents



Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents 1 to 5 to stop the illegal construction made by the 7th respondent in Survey No. 604/21 of Kanyakumari Village violating Notification dated 19.02.1991 issued by the 1st Respondent relating to Coastal Regulation Zone and the Tamilnadu Town and Country Planning Act and Regulations Framed thereon.

For Petitioner : Mr.S.C.Herold Singh, For
Mr.R.Subramanian
For Respondents : Mr.M.Vallinayagam Senior Counsel for
Mr.J.Ashok for R7
Mr.D.Saravanan For R1
Mr.Aayiram K.Selvakumar
Government Advocate for Rr2 to 5
Mr.Illamaran, For R6

ORDER

(Order of the Court was made by S.NAGAMUTHU, J.)

The petitioner has come up with this public interest litigation alleging that the 7th respondent had started constructing a building in S.No.604/21 of Kanyakumari Village violating the Central Government Notification dated 19.02.1991. He has prayed for an order to restrain the respondent No.7 from doing so.

2.In this matter, an Advocate Commissioner was appointed, who has filed a report. We have gone through the same, wherein, it is stated that there is such violation.

3.But the learned counsel for the 7th respondent, the owner of the building would say that he has already submitted a revised plan seeking approval and the same is now pending before the Local Planning Authority, Nagercoil.

4. In view of the said submission made, we are inclined to dispose of the writ petition on the following directions:

(i) the 7th respondent shall not make any further construction or alteration in the building, which has already been constructed on the land in question until final order is passed by the Local Planning Authority on the proposal.

(ii) The local Planning authority shall dispose of the proposal submitted by the 7th respondent for approval of the revised plan within a period of eight weeks ;

(iii) The construction, which has already been made, shall be left as it is. The outcome of the order to be passed by the local planning authority.



(iv) After the order of the local planning authority, if the petitioner has got any more grievance, he is at liberty to approach this Court again.

No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar

RR

To

- 1 THE SECRETARY, UNION OF INDIA,
MINISTRY OF ENVIRONMENT & FOREST,
PARYAVARAN BHAVAN
CGO COMPLEX LODHI ROAD NEW DELHI 110003
- 2 THE PRINCIPAL SECRETARY,
ENVIRONMENT & FOREST DEPT.
FORT ST. GEORGE, CHENNAI-9
- 3 MEMBER SECRETARY THE TAMILNADU
COASTAL ZONE MANAGEMENT AUTHORITY O/O.
THE DIRECTOR OF ENVIRONMENT NO.1 JEENIS
ROAD PANAGAL BUILDING GROUND FLOOR
SAIDAPET CHENNAI 600 015
- 4 THE DISTRICT COLLECTOR,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 5 KANYAKUMARI TOWN PANCHAYAT
REP. BY ITS EXECUTIVE OFFICER KANYAKUMARI -629 702
- 6 DISTRICT ENVIRONMENTAL
ENGINEER TAMILNADU POLLUTION CONTROL BOARD
30 KESARI ST. MATHIAS NAGAR NAGERCOIL-629 001.
KANYAKUMARI DISTRICT.

+1CC to Mr.J.Ashok Advocate Sr.No.61479
+1CC to Mr.S.C.Herold Singh, Advocate Sr.No.61781
+1CC to Mr.D.Saravanan Advocate Sr.No.61900
+1CC to Spl.Government Advocate Sr.No.62286

GJM/GSV/PM/9.11.16-3p-11C

ORDER MADE IN
W.P(MD) No.8500 of 2014
19.10.2016