



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.10716 of 2015

and

WMP(MD)No. 1 of 2015

Vikraman Asari

... Petitioner

Vs.

1.The District Collector,
Kanyakumari District, Nagercoil.

2.The Block Development Officer,
Thiruvattar Panchayat Union,
Thiruvattar Post, Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to shift the fish market functioning in front of petitioner's house Veyyanoor Kuttakuzhi Road, Cherukol village, Kanyakumari District to any other non residential area.

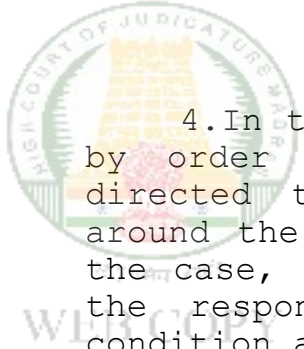
For Petitioner	: Mr.D.Christenson Jugunu
For Respondent -1	: Mr.M.Alagathevan Special Government Pleader
For Respondent -2	: Mr.D.Muruganandham

ORDER

This writ petition has been filed, seeking to direct the respondents to shift the fish market functioning in front of the petitioner's house to any other area.

2.Heard both side. By consent, the writ petition is taken up for final disposal at the stage of admission itself.

3.The learned counsel for the petitioner would submit that the fish market functioning in front of the petitioner's house poses danger to health and safety to his family members. Hence the petitioner on 30.06.2011 sent a representation to the respondents to shift the fish market to some other area, subsequently several communication were also sent among the officials. In this regard WP (MD)No.10970 of 2011 was filed and the same was disposed of, with a direction to maintain the area in a hygienic condition. Though, several representations were sent by the petitioner, the fish market is not yet shifted. Hence, the petitioner is before this Court.



4. In the earlier round of litigation in WP(MD)No.10970 of 2011, by order dated 30.03.2012, the Division Bench of this Court, directed the District Collector to maintain hygienic condition around the area where the fish market is functioning. Such being the case, this writ petition cannot be considered except to direct the respondents to maintain the aforesaid area with hygienic condition as directed by the Division Bench of this Court.

5. The writ petition is disposed of with the above terms. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Kanyakumari District, Nagercoil.
2. The Block Development Officer,
Thiruvattar Panchayat Union,
Thiruvattar Post, Kanyakumari District.

+1cc to M/S.D.Christenson Jugunu, Advocate SR.No. 86422

ORDER MADE IN
W.P (MD) No.10716 of 2015
09.11.2017

DSK
JM/MR KKR/SAR 4/21.11.2017/2P/4C