

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 12.10.2017**

CORAM:

THE HONOURABLE MR. JUSTICE R. MAHADEVAN**W.P (MD) No. 18698 of 2017****and****W.M.P (MD) No. 15079 of 2017**

Nalvaradass

... Petitioner

Vs.

1. The District Collector
Tirunelveli District,
Tirunelveli.

2. The Assistant Director of Panchayat,
Tirunelveli District,
Tirunelveli.

3. The Executive Officer,
Town Panchayath,
Melagaram,
Tenkasi Taluk,
Tirunelveli District,

4. The Deputy Director,
Town Planning Authority,
Tirunelveli District,
Tirunelveli.

5. Mugilan @ Amirtha Raj

6. Akilan @ Mani

... Respondents

(3rd respondent's cause title amended as per order of this Court in WMP(MD) No. 15329 of 2017 dated 12.10.2017)

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 4 to take appropriate legal action against the respondents 5 and 6 from running Carpentry and Foundry works within the factory south to this petitioner's house in Mayanakarai Salai, in Ezhil Nagar. Melagaram in Tenkasi Courtralam Road, in Tirunelveli District by erecting machineries which is giving nuisance.

For Petitioner

: Mr. F. X. Eugene

For R.1 to R.4

: Mr. J. Gunaseelan Muthiah,
Government Advocate

For R.5

: Mr. S. Meenakshi Sundaram,
Senior Counsel,
For Mr. N. G. A. Natraj

**ORDER**

This writ petition has been filed seeking a Writ of Mandamus, to direct the respondents 1 to 4 to take appropriate legal action against the respondents 5 and 6 from running Carpentry and Foundry works nearby the petitioner's house in Mayanakarai Salai, in Ezhil Nagar. Melagaram in Tenkasi Courtralam Road, in Tirunelveli District.

2. Heard the learned Counsel appearing on either side.

3. According to the petitioner, the sixth respondent had started a factory for manufacturing wood carving works and foundry works with heavy electric motors and machineries near to his residential area, which causes disturbance to the petitioner and hence he made a complaint on 28.08.2017 to the respondents 1 to 4 for appropriate action. It is the case of the petitioner that the sixth respondent has been, without even obtaining proper licence from the authorities, running the factory and pursuant to the inaction on the part of the respondents 1 to 4 in taking action against the sixth respondent, the present writ petition has been filed for the relief as stated supra.

4. The learned Government Advocate appearing for the respondents 1 to 4 has submitted that if a reasonable time is granted to the respondent, appropriate orders will be passed on the representation of the petitioner dated 28.08.2017.

5. In view of the above submission and also considering the limited scope of the relief sought for, this Court, without going into the merits of the matter, directs the third respondent to consider the representation/complaint of the petitioner dated 28.08.2017 and pass appropriate orders thereon, on its own merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner, the respondents 5 & 6 and other interested parties, if any.

6. The writ petition is disposed of as above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(writs)

/True Copy/

Sub Assistant Registrar

To:

<https://hc.services.ecourt.gov.in/hc/services/>
E-File District Collector
Tirunelveli District, Tirunelveli.



2.The Assistant Director of Panchayat,
Tirunelveli District,
Tirunelveli.

3.The Executive Officer,
Town Panchayath,
Melagaram,
Tenkasi Taluk,
Tirunelveli District,

4.The Deputy Director,
Town Planning Authority,
Tirunelveli District,
Tirunelveli.

+1cc to M/S.F.X.EUGENE, Advocate SR.No.82693

+2cc to Special Government Pleader, SR.No. 82912,82804

rm

MAS/MR-KKR/SAR4:03.11.2017:3P-7C

W.P(MD)No.18698 of 2017
(2/2)

12.10.2017