



WEB COPY

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 19.07.2017**

CORAM :

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6269 of 2017

and

W.M.P(MD) .No.4953 of 2017

1.K.Subbaih

2.AR.N.Meyyappan

... Petitioner

vs.

1. The District Collector,
Sivagangai District,
Sivagangai.

2. The Commissioner,
Karaikudi Municipality,
Karaikudi,
Sivagangai District.

3. The Town Planning Officer,
Karaikudi Municipality,
Karaikudi, Sivagangai District.

4. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Collectorate Complex,
Sivagangai - 630561.

5. M/s.Auto Zone

Rep.by its Proprietors Balaji and Raja

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the respondents No.1 to 4 to take action to vacate the fifth respondent "Auto Zone Automobile Workshop" located in the "Primary Residential Use Zone", at Plot No.328, Block No.36, Subramaniapuram 7th Street south extension, T.S.No.1228, survey ward No.3 (Municipal Ward No.8), Karaikudi within a time limit.

For Petitioner

For Respondents

: Mr.M.Makesh Kumaravel

: Mr.M.Govindan,

Spl.Govt.Pleader for RR1, 3, 4

Mr.G.Ganesh Kumar

for Mr.Shagul Hameed for R5

P.Mahendran for R2

**O R D E R**

(Order of the Court was made by K.K.SASIDHARAN, J.)

WEB COPY The petitioner filed this writ petition to take appropriate action against the third respondent on account of conducting automobile workshop in a residential area.

2.The learned standing counsel for the Karakudi Municipality, on instructions, submitted that the local body has already taken action against the fifth respondent. The Commissioner, Karaikudi Municipality filed a counter affidavit to the above effect.

3.The learned counsel for the fifth respondent submitted that the fifth respondent is conducting the automobile workshop only after taking required permission.

4.We direct the Commissioner, Karaikudi Municipality to issue notice to the fifth respondent and thereafter take appropriate action in accordance with law. However, we make it clear that reasonable opportunity should be given to the fifth respondent to submit response before taking any action. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

5.The writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Commissioner,
Karaikudi Municipality,
Karaikudi, Sivagangai District.

3.The Town Planning Officer,
<https://hcservices.ecourts.gov.in/hcservices/>
Karaikudi Municipality,
Karaikudi, Sivagangai District.



4.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Collectorate Complex, Sivagangai - 630561.

+1cc to Mr.M.Makesh Kumaravel, Advocate Sr.No.66360
+1cc to Spl.Government Pleader Sr.No.66948
+1cc to Mr.P.Mahendran, Advocate Sr.No.66704

ARUL/SKM

VB/KK/SAR1/01/08/2017/3P/8C

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