



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 02.08.2017

CORAM :

**THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P (MD) No.8379 of 2017

Raveendran

... Petitioner

Vs.

1.The Deputy Director,
Town and Country Planning,
Tirunelveli Region,
108, Trivandrum Road,
Palayamkottai District.

2.The District Collector,
Kanyakumati District,
Nagertocil.

3.The Executive Officer,
Palukal Town Panchayat,
Palukal Post,
Kanyakumari District.

4.The Executive Engineer,
(Distribution), Tamil Nadu Electricity Board,
Kuzhithurai at Maruthamcode,
Meenachal Post,
Kanyakumari District.

5.Manikandan

6.Janakajebangelin

7.Tulasibhai

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the third respondent to initiate action against the fifth, sixth and seventh respondents in accordance with Section 56 of The Tamil Nadu Town and Country Planning Act 1971 for their violation of the Sections 47A(2) and 49 by way of illegal and unauthorised development of wetlands comprised in survey Nos. 126/10, 126/14, 126/15C, 126/17, 126/19A, 126/19B, 127/4, 127/5, 127/6, 127/7, 127/8, 127/9, 127/10, 127/15, 127/17, 298/2A, 298/2B, 298/4, 298/5A, 298/5B of old Edaicode (New Devicode) Village of



Vilavancode Taluk of Kanyakumari District under the supervision of the First and Second Respondents.

For Petitioner : Mr.M.P.Hariprasad
For Respondents : Mr.M.Govindan, Spl.G.P.for RR1 and 2
Mr.M.Murugan for R3
No Appearance for RR4, 5 and 7
Mr.C.Bharathi for R6

O R D E R

(Order of the Court was made by G.R.SWAMINATHAN, J.)

This writ petition has been filed for directing the authorities to initiate action against the respondents 5 to 7 for their alleged illegal and unauthorised development of wet lands comprised in certain survey numbers in old Edaicode (New Devicode) Village of Vilavancode Taluk of Kanyakumari District.

2.Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the official respondents and also the private respondents.

3.The learned counsel for the private respondents pointed out that the wet lands in question are their private patta lands and that they have not put up any construction. What they are doing is to use a portion of their land for carrying on their business of concrete mix.

4.An application has been filed against them before the National Green Tribunal, South Zone in Application No.96 of 2016. It is seen that one Francis has filed the said case through his Advocate M.P.Hariprasad, Kuzhithurai. The counsel on record in the present writ petition is also the said Advocate M.Hariprasad, Kuzhithurai. It is true that there is no bar for the present counsel on record in this writ petition to appear in both. But, the fact remains that the private respondents herein are facing proceedings both before this Court as well as before the National Green Tribunal on the same cause of action.

5.The counsel for the writ petitioner would point out that survey numbers mentioned in the writ petition are not to be found in the application filed before the National Green Tribunal. It only further confirms the impression that the aim of the present writ petitioner is to vex and harass the private respondents herein. There is absolutely no public interest involved in this matter.



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6.This writ petition is therefore dismissed. No costs.

/True Copy/

Sd/-
Assistant Registrar (CSIII)

Sub-Assistant Registrar

To

1.The Deputy Director,
Town and Country Planning,
Tirunelveli Region,
108, Trivandrum Road,
Palayamkottai District.

2.The District Collector,
Kanyakumari District,
Nagertocil.

+One cc to M/s.C.Bharathi, Advocate, SR.No.70508

+One cc to The Special Government Pleader, SR.No.70596

skm/Arul
RL/5C/3P/KK/SAR1/22/8/2017

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