



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.05.2017

CORAM:

THE HONOURABLE Mr.JUSTICE M.V.MURALIDARAN
and
THE HONOURABLE Mr.JUSTICE N.SESHASAYEE

Writ Petition (MD)No.9257 of 2017

&

W.M.P. (MD)No.7038 of 2017

P.Murugesan

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Rep. by its Secretary,
Public and Welfare Department,
Secretariat, Chennai - 9.
- 2.The District Collector,
Pudukottai District,
Pudukottai.
- 3.The Revenue Divisional Officer,
Pudukottai,
Pudukottai District.
- 4.The Tahsildar,
Gandharvakottai & Taluk,
Pudukottai District.
- 5.The Joint Director,
Public Health Department,
Behind Government Hospital,
Pudukottai District.
- 6.The Inspector,
Fire Service Department,
Karambakudi,
Pudukottai District.
- 7.The Deputy Director,
Public Health Department,
Aranthangi,
Pudukottai District.



8.The Superintending Engineer,
Tamil Nadu Electricity Board,
Pudukottai.

9.The Commissioner/Block Development Officer,
Karambakudi Panchayat Union,
Pudukottai District.

10.The Inspector of Police,
Malaiur Police Station,
Pudukottai District.

11.Thirupathy Chettiar, S/o.Duraisamy Chettiar

12.Usha, D/o.Thirupathy Chettiar ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 10 to forbear the respondents 11 and 12 from recommencing the coir industry unit unlawfully without observing necessary legal formalities in S.No.306/2 with an extent of 0.40.5 Hectares, Patta No.1261 at Kendayapatti of Thuvar Revenue Village, Gandharvakottai Taluk, Pudukottai District, adversely affecting interest of Villagers.

For Petitioner : Mr.N.Balakrishnan

For R1 to R7 & R10 : Mr.T.R.Janardhanam
Additional Government Pleader

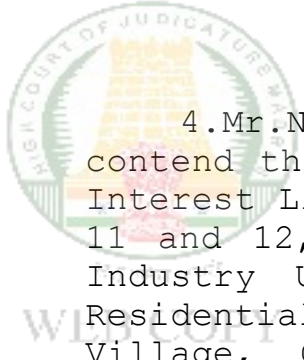
ORDER

Order of the Court was made by **M.V.Muralidaran, J.,**)

Mr.T.R.Janardhanam, learned Additional Government Pleader takes notice for the respondents 1 to 7 and 10. In view of the order which we are going to pass, we are of the view that no notice need be issued to the respondents 8, 9, 11 and 12.

2.By consent, the main Writ Petition itself is taken up for final disposal at the time of admission itself.

3.The petitioner has come forward with this writ petition seeking to issue a Writ of Mandamus, directing the respondents 1 to 10 to forbear the respondents 11 and 12 from recommencing the Coir Industry Unit unlawfully without observing necessary legal formalities in S.No.306/2 with an extent of 0.40.5 Hectares, Patta No.1261 at Kendayapatti of Thuvar Revenue Village, Gandharvakottai Taluk, Pudukottai District, adversely affecting the interest of the Villagers.



4.Mr.N.Balakrishnan, learned counsel for the petitioner would contend that the petitioner has preferred this Petition as Public Interest Litigation. It is further contended that the respondents 11 and 12, who are father and daughter, to recommence the Coir Industry Unit without observing the legal formalities in the Residential Zone at S.No.306/2, Kendayanpatti, Thuvar Revenue Village, Gandharvakottai Taluk, Pudukottai District. It is further contended that the Villagers are objecting formation of Coir Industry Unit, as it is causing nuisance and health hazard to them.

5.It is further contended that in this regard the Villagers gave a representation dated 28.10.2016, to the second respondent and the petitioner has also made a representation dated 15.04.2017 to the concerned authorities. But, till date, no action was taken and as such the petitioner is constrained to approach this Court by way of filing the present Writ Petition with the above said prayer.

6.Heard Mr.T.R.Janardhanam, learned Additional Government Pleader, on the submissions made by the learned counsel for the petitioner.

7.Though the petitioner has come forward with a larger prayer, seeking for the relief of positive direction, this Court is of the considered view that it is suffice to give direction to the second respondent, who is the competent authority to look into the grievance of the petitioner, to consider the representations dated 28.10.2016 and 15.04.2017. Accordingly, this Court, without going into the merits of the representations dated 28.10.2016 and 15.04.2017, is constrained to direct the second respondent herein, to consider the representations, dated 28.10.2016 and 15.04.2017, by affording an opportunity to the petitioner as well as by issuing notice to the respondents 11 and 12 and also affording an opportunity to them, and pass orders, in accordance with law within a period of 8 weeks from the date of receipt of a copy of this order.

8.With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar



To:

1.The Secretary to Government of Tamil Nadu,
Public and Welfare Department,
Secretariat, Chennai - 9.

2.The District Collector,
Pudukottai District,
Pudukottai.

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9.The Commissioner/Block Development Officer,
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Pudukottai District.

10.The Inspector of Police,
Malaiur Police Station,
Pudukottai District.

+1cc TO MR.N.BALAKRISHNAN,ADVOCATE,SR.56566

+1cc to M/S THE SPECIAL GOVERNMENT PLEADER, SR.NO.56704

W.P. (MD) No.9257 of 2017
17.05.2017