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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.01.2017

CORAM

**THE HON'BLE MR.JUSTICE A.SELVAM**

and

**THE HON'BLE MR.JUSTICE P.KALAIYARASAN**

W.P(MD) No.22289 of 2016

and

WMP(MD)No.15973 of 2016

S.Paul Durai

... Petitioner

-vs-

1.The District Collector,  
Tirunelveli,  
Tirunelveli District.

2.The Executive Officer,  
Alankulam Town Panchayat  
Alankulam,  
Tirunelveli District.

3.N.Karuppasamy

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st and 2<sup>nd</sup> respondents to take appropriate action on the 3rd respondent for violating the license granted by the 2nd respondent bearing license No.13 and stop the manufacturing of lime stone by burning and other process at the 3rd respondent premises in WD-01 Nettoor Road, Alankulam, Tirunelveli District by considering the representation of the petitioner dated 25.07.2016.

For Petitioner : Mr.S.C.Herold Singh

For R - 1 : Mr.R.Velmurugan  
Government Advocate

**O R D E R**

[Order of the Court was made by **A.SELVAM, J.**]

This Writ Petition has been filed under Article 226 of the Constitution of India praying to direct the respondents 1 and 2 to take appropriate action against the third respondent, since he violated the conditions mentioned in the licence granted to him to sell lime stone, by way of issuing a Writ of Mandamus.

2.It is averred in the petition that the petitioner is a resident of Alankulam, Tirunelveli District. The respondents 1 and 2 have given necessary licence to the third respondent to sell lime stone. But the third respondent has violated the conditions mentioned in the licence. Under the said circumstances, the petitioner has given a petition on 25.07.2016. But no action has been taken and therefore, the present Writ Petition has been filed for getting the relief sought therein.

3.The learned counsel appearing for the petitioner has contended to the effect that the third respondent has been given licence only to sell lime powder. But subsequently, he has used to manufacture lime powder by way of violating the conditions mentioned in the licence. Under the said circumstances, a petition has been given by the petitioner. But the same has not been considered by the respondents 1 and 2.

4.It is seen from the records that the third respondent has been given licence only to sell lime powder. The main allegation made in the petition is that instead of selling lime powder, the third respondent has used to manufacture the same and thereby creating nuisance to the general public and also environment.

5.Considering the nature of allegation made in the Writ Petition against the third respondent and also considering the fact that the petitioner has given a petition on 25.07.2016, this Court is of the view to pass the following order.

6.In fine, this Writ Petition is allowed without cost. The second respondent is strictly directed to look into the petition dated 25.07.2016 alleged to have been given by the petitioner and dispose of the same on merits after giving proper opportunity to the third respondent within a period of one month. Consequently, WMP (MD) No.15973 of 2016 is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar



To

1 The District Collector,  
Tirunelveli,  
Tirunelveli District.

2 The Executive Officer,  
Alankulam Town Panchayat,  
Alankulam, Tirunelveli District

+1 cc to MR.S.C.HEROLD SINGH, Advocate SR.No.515

+1 cc to Special Government Pleader Sr.No.847

W.P (MD) No.22289 of 2016  
04.01.2017

SMA/EM-MPA/SAR-3/09.01.2017:3p/5c