

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 25.07.2018

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THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P.No.1554 of 2018
and
W.M.P.No.1956 of 2018

D.Rajalakshmi

... Petitioner

Vs.

1.The District Collector,
Villupuram District,
Villupuram.

2.The Commissioner,
Municipality of Villupuram,
Villupuram District.

3.The Revenue Divisional Officer,
Sendapettai, Thirukovilur,
Villupuram District.

4.The Executive Officer,
Town Panchayat,
Thirukovilur.

5.The Superintendent of Police,
Villupuram.

6.Mr.Venkatachalapathy

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1, 2 and 5 to remove the 6th respondent mill from the adjacent to the house of the petitioner and further directing the respondents 1, 2 and 5 to remove the nuisance of heavy sound of 6th respondent under Municipality Act.

For Petitioner : Mr.D.Gopal

For Respondents : Mr.B.Anand

Government Advocate for R1,3 & 5

Mr.P.Srinivas for R2

Mr.N.Manikandan

Government Advocate for R4

Mr.A.Amarnath for R6

ORDER

This writ petition has been filed for issuance of a writ of mandamus, directing the respondents 1, 2 and 5 to remove

the sixth respondent's Floor Mill from the adjacent to the house of the petitioner.

2. Heard Mr.D.Gopal, learned counsel for the petitioner, Mr.B.Anad, learned Government Advocate for the respondents 1, 3 and 5, Mr.P.Srinivas, learned counsel for the second respondent, Mr.N.Manikandan, learned Government Advocate for the fourth respondent, Mr.A.Amarnath, learned counsel for the sixth respondent and perused the materials available on record.

3. The learned counsel for the petitioner submitted that one R.Mutholimaran, is the proprietor of Venkatachalapathy Floor Mill and he has been running the mill without licence and the noise emanated from the Floor Mill causes nuisance to the petitioner and other neighbours. Hence the petitioner gave a representation to the third respondent to take action under Section 133 (1)(b) of Cr.P.C. He would further add that the petitioner would be satisfied, if a suitable direction is issued to the third respondent to take appropriate action on the representation of the petitioner.

4. The learned Government Advocate appearing for the respondents submitted that the Venkatachalapathy Floor Mill has got licence till 2015-16 and thereafter, no steps have been taken for renewing the licence. Hence, the fourth respondent issued a notice on 29.6.2018. The representations were given to the Chief Minister Cell and District Collector and if a fresh representation is given to the third respondent, he is ready to consider the same in accordance with law.

5. The learned counsel for the sixth respondent submitted that on the basis of the petitioner's complaint in the year 2015, the Block Health Supervisor, Government Primary Health Centre, Thirukovilur Block had inspected the Mill and filed a report and thereafter, the sixth respondent has shifted the Mill to rear side of the Plot and new machineries were also installed and the present complaint is a motivated one. It is further submitted that renewal applications of the petitioner for 2016-17 and 2018-19 are pending with the fourth respondent. But, due to the pendency of the writ petition and the objections of the petitioner, no orders have been passed on the renewal applications.

6. Considering the facts and the submissions made by the learned counsel on either side, this Court, without going into the merits of the case, directs the petitioner to give a fresh representation to the third respondent, if so warranted. On such compliance, the third respondent shall consider the same and pass appropriate orders on merits and in accordance with law, after providing an opportunity to the petitioner and the proprietor of Venkatachalapathy Floor Mill, within a period of twelve weeks.

7. With the above direction, the writ petition is disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Collector,
Villupuram District,
Villupuram.
- 2.The Commissioner,
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Villupuram District.
- 3.The Revenue Divisional Officer,
Sendapettai, Thirukovilur,
Villupuram District.
- 4.The Executive Officer,
Town Panchayat,
Thirukovilur.
- 5.The Superintendent of Police,
Villupuram.

+1cc to Mr.D.GOPAL, Advocate, S.R.No.49836
+1cc to Mr.S.NATANA RAJAN, Advocate, S.R.No.49868
+1cc to Mr.A.AMARNATH, Advocate, S.R.No.50095
+1cc to Mr.P.SRINIVAS, Advocate, S.R.No.50761
+1cc to the Government Pleader, S.R.No.50841

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SMI/06.08.2018