



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 30.07.2018

CORAM:

**THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
AND**

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

W.A(MD)NO.1287 OF 2014

and

M.P(MD)No.1 of 2014

T.Sudersan

:Appellant/Petitioner

.vs.

1. The District Collector,
Kanyakumari District,
Kanyakumari.

2. Melasankarankuzhi Grade-I Panchayat,
represented by its President,
Kanyakumari District.

3. V.N.Shiju

: Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying this Court to set aside the order passed by this Court in W.P(MD)No.3861 of 2014, dated 16.09.2014.

Prayer in WP(MD)No. 3861 of 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 2 to take appropriate action in accordance with law so as to prevent the 3rd respondent from running fiber industry and dyeing unit in survey No. 125/1, neendakarai A village, Agestheeswaram Taluk, Kanyakumari District.

For Appellant

:Mr.S.Anwar Sameem

For Respondents

:Mr.K.Mu.Muthu

1 and 2

Addl.Govt.Pleader

For Respondent-3

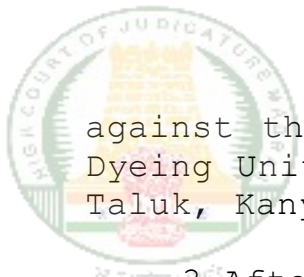
:Mr.Raghuvaran Gopalan
for Mr.K.Prabhakar

JUDGMENT

[Judgment of the Court was made by **K.RAVICHANDRABAABU, J.**]

Aggrieved against the order passed by the Writ Court in disposing the Writ Petition filed by the appellant with certain observations, the present Writ Appeal is filed.

2. The appellant herein, as the Writ Petitioner, sought for a direction to the respondents 1 and 2 to take appropriate action



against the third respondent from running the Fibre Industry and Dyeing Unit in S.NO.125/1, Neendakarai 'A' Village, Agastheeswaram Taluk, Kanyakumari District.

3. After notice, the matter was taken up by the Writ Court, wherein, the learned counsel for the third respondent submitted that the third respondent has stopped such activities in the said land.

4. The second respondent also filed a counter affidavit stating that action has been taken against the third respondent for running the Fibre Industry Business. Based on such submission made before the Writ Court, the learned single Judge disposed the Writ Petition, with a direction to the third respondent to file appropriate application before the second respondent, seeking necessary direction and with further direction to the second respondent to forward the said application to the competent authority, who in- turn shall conduct a spot inspection and thereafter proceed to consider the third respondent's application and pass orders on merits and in accordance with law. Thus, the Writ Petition was disposed of with the above observations. Challenging the said order, the present Writ Appeal is filed by the Writ Petitioner.

5. When the Writ Appeal is taken up today for final disposal, the learned counsel for the third respondent submitted that the subject-matter property is not put to use by the third respondent for running the Fibre Industry and Dyeing Unit and he has also not made any application seeking permission, as directed by the Writ Court.

6. Therefore, he submitted that the apprehension of the Writ Petitioner does not survive any more. When such being the categorical assertion made by the third respondent that he is not carrying on the said Fibre Industry and Dyeing Unit and that he has also not made any application seeking permission to do so, We do not think anything survives in this Writ Appeal to be adjudicated upon further, since the grievance of the Petitioner against the third respondent does not survive any more.

7. Accordingly, the Writ Appeal is disposed of by recording the above said undertaking and statement given by the third respondent, through his counsel. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/



To

1. The District Collector,
Kanyakumari District,
Kanyakumari.

2. The President,
Melasankarankuzhi Grade-I Panchayat,
Kanyakumari District.

+1cc to Mr.K.Prabhakar, Advocate Sr.No.75751

+1cc to Mr.T.Antony Arul Raj, Advocate Sr.No.75625

+1cc to Spl.Government Pleader Sr.No.75891

VSN

VB/KAK/SAR4/09.08.2018/3P/6C

**JUDGMENT MADE IN
W.A(MD)NO.1287 OF 2014
and
M.P(MD)No.1 of 2014
30.07.2018**