



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.10.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
and
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD) No.11271 of 2018
W.M.P.(MD) No.10294 of 2018

C.Jose

... Petitioner

-vs-

1.The District Collector,
Kanyakumari District,
Collectorate, Nagercoil.

2.The District Environmental Engineer,
Pollution Control Board,
No.49, Ambrose Street,
Nagercoil,
Kanyakumari District - 629 001.

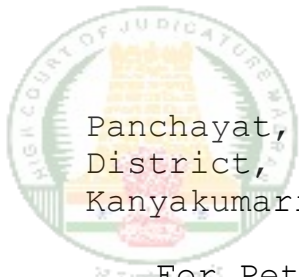
3.The Block Development Officer (Village Panchayats),
Munchirai Panchayat Union,
Puthukadai Post,
Kanyakumari District.

4.The Special Officer,
Vavarai Village Panchayat,
Munchirai Panchayat Union,
Kanyakumari District.

5.M/s.EL SHADAI ICE PLANT,
Represented by its Managing Partners,
Mr.D.Cleetus and Tmt.Judi Cleetus,
St.Agathammal Kurusadi,
Opp. to Old Ice Plant,
Thoothur Village,
Vilavancode Taluk,
Kanyakumari District - 629 154.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, forbearing the Respondents 1 to 4 from granting building plan approval to the 5th Respondent to construct the Ice Plant industry in the residential and Coastal Regulation Zone, in Pallikkal, Vavarai Village



Panchayat, Munchirai Panchayat Union, Vilavancode Taluk, Kanyakumari District, for the benefit of people in the coastal areas of the Kanyakumari District.

For Petitioner : Mr.M.Saravanakumar
For Respondents 1 to 4 : Mr.D.Muruganantham
Additional Government Pleader
For 5th Respondent : Mr.J.Ponram Kumar

O R D E R

(Order of the Court was made by M.M.SUNDRESH, J.)

This Writ Petition has been filed, seeking to forbearing the Respondents 1 to 4 from granting building plan approval to the 5th Respondent to construct the Ice Plant industry in the residential and Coastal Regulation Zone, in Pallikkal, Vavarai Village Panchayat, Munchirai Panchayat Union, Vilavancode Taluk, Kanyakumari District, for the benefit of people in the coastal areas of the Kanyakumari District.

2.It is not in dispute that building plan approval has already been granted. In view of the same, nothing survives for adjudication in this writ petition. Hence, the Writ Petition stands dismissed. However, liberty is given to the petitioner to work out his remedy, if so advised, in the manner known to law, which includes filing of appropriate writ petition. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

- 1.The District Collector,
Kanyakumari District,
Collectorate, Nagercoil.
- 2.The District Environmental Engineer,
Pollution Control Board,
No.49, Ambrose Street,
Nagercoil,
Kanyakumari District - 629 001.



3.The Block Development Officer (Village Panchayats),
Munchirai Panchayat Union,
Puthukadai Post,
Kanyakumari District.

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4.The Special Officer,
Vavarai Village Panchayat,
Munchirai Panchayat Union,
Kanyakumari District.

+ 1 CC TO Mr.T.PON RAM KUMAR, ADVOCATE IN SR No. 92793
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 92952
+ 1 CC TO Mr.M.SARAVANA KUMAR, ADVOCATE IN SR No. 92890

SJ

TE/SKN/SAR-4 : 12/11/2018 : 3P/8C

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