



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.08.2019

CORAM:

THE HONOURABLE Mr.JUSTICE R.SURESH KUMAR

W.P. (MD) No.17822 of 2019

and

W.M.P. (MD) No.14288 of 2019

M.Muthulakshmi

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Tuticorin.

2.The District Revenue Officer,
Office of the District Revenue Officer,
Tuticorin.

3.The Block Development Officer,
Block Development Office,
Nazareth,
Tuticorin District.

4.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
C7 & 9, SIPCOT Complex,
Meelavittan 628 008.
Tuticorin District.

5.The Executive Officer,
Nazareth Town Panchayat,
Nazareth, Tuticorin District.

6.Latha Hollow Block Industry,
Rep. through its Proprietor
Jothi David Suyamburaj.

... Respondents

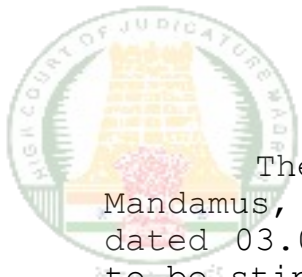
Prayer: The petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to dispose of the letter No.Masu/ Su.Poo/Thoo D/ Ko. No.2062/Pugar/2019, dated 03.06.2019 passed by the 4th respondent within a stipulated time fixed by this Court.

For Petitioner : Mr.J.Sivaram

For Respondents: Mr.M.Rajarajan, G.A.for R1 to 3

Mr.Vasanthakumar for R4

Mr.A.K.Baskarapandian, Spl.G.P.for R5

**ORDER**

The prayer sought for in the Writ petition is for a Writ of Mandamus, directing the 2nd respondent to dispose of the letter dated 03.06.2019 issued by the 4th respondent within a time frame to be stipulated by this Court.

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2. Heard Mr.J.Sivaram, learned counsel for the petitioner, Mr.M.Rajarajan, learned Government Advocate appearing for the respondents 1 to 3, Mr.Vasanthakumar, learned standing counsel appearing for the fourth respondent and Mr.A.K.Baskarapandian, learned Special Government Pleader appearing for the fifth respondent. Since no adverse order going to pass against the 6th respondent, notice to the 6th respondent is dispensed with.

3. On the ground of alleged air pollution being created by the 6th respondent, the petitioner had given representation on 23.05.2019 to the respondent, especially the 4th respondent, who in turn has forwarded the same vide his letter No.Masu/ Su.Poo/Thoo D/ Ko. No.2062/Pugar/2019, dated 03.06.2019 to the 3rd respondent for taking appropriate action on the said representation of the petitioner. However, the 3rd respondent so far, seems to have not taken any action on the said representation, making compliant against the 6th respondent. Therefore, the petitioner is before this Court.

4. In this context, the learned counsel appearing for the petitioner submits that, the said representation has been forwarded by the 4th respondent to be decided by the 3rd respondent on merits and if an order to that effect would be passed, the petitioner would be satisfied.

5. Heard the learned Government Advocate appearing for R1 to R3, who would submit that the said representation would be decided by the 3rd respondent after hearing the petitioner and the 6th respondent within a time frame and final orders would be passed on merits.

6. The learned standing counsel appearing for the 4th respondent also would submit that, already the representation of the petitioner has been forwarded to the 3rd respondent for further action.

7. Having regard to the said submission made by the learned counsel appearing for the parties, with the consent on either side, this writ petition is disposed of at the admission stage with the following direction:

That the 3rd respondent is hereby directed to consider the representation of the petitioner dated 23.05.2019 as forwarded by the 4th respondent dated 03.06.2019, on merits and in accordance with law and after hearing both the petitioner as well as the 6th respondent, by giving separate notices to them, pass final orders



thereon within a period of 8 weeks from the date of receipt of a copy of this order.

8. With this direction, this Writ petition is disposed of. No costs. Consequently, connected W.M.P. is closed.

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Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)

nbj

To

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5. The Executive Officer,
Nazareth Town Panchayat,
Nazareth,
Tuticorin District.

+1CC TO MR.J.SIVARAM, Advocate Sr. No. 81668

W.P. (MD) No.17822 of 2019
14.08.2019

NS (CO)

TR (27.08.2019) 3P 7C