



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 19.03.2020
CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.(MD)No.5717 of 2020
and
WMP(MD).No.4990 of 2020

Habeeb Educational and Social
Services Trust,
Rep. by its Managing Trustee,
KMH.Mohammed Habeeb Najjar,
Ramavarmapuram, Nagercoil,
Kanyakumari District.

... Petitioner

vs.

1. The Sub Collector,
Cheranmagadevi Sub Division,
Cheranmagadevi,
Tirunelveli District.
2. The Tahsildar,
Nanguneri Taluk,
Nanguneri, Tirunelveli District.
3. The Revenue Inspector,
Nanguneri, Tirunelveli District.
4. The Joint Director,
Mines and Minerals,
District Collector Complex,
Tirunelveli.
5. G.T.Lawrence.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, forbearing the respondents 1 to 4 from granting permission to the 5th respondent to run Stone Crusher M-sand Unit in S.No.6/1, situated at Pappankulam village, Nanguneri Taluk, Tirunelveli District.

For Petitioner : Mr.T.Selvakumaran
For Respondent : Mrs.J.Padmavathi Devi,
Spl. Government Pleader
[for R1 to R4]



O R D E R

The petitioner, Habeeb Educational and Social Services Trust, which is represented by its Managing Trustee, KMH.Mohammed Habeeb Najjar, in Nagercoil, Kanyakumari District has filed the present writ petition in the nature of mandamus seeking a restraint against the 4th respondent from granting permission to the 5th respondent G.T.Lawrence, resident of Radhapuram Taluk, Tirunelveli District, from running a sand crusher M-sand unit in S.No.6/1, at Pappankulam village, Nanguneri Taluk, Tirunelveli District.

2. In the affidavit filed in support of the writ petition, it has been stated that the petitioner trust has extensive lands in Pappankulam village, Nanguneri Taluk, Tirunelveli District, measuring about 103 acres. It has been stated that the 5th respondent G.T.Lawrence had applied for a permission to run sand crusher M-sand unit in S.No.6/1, at Pappankulam village, Nanguneri Taluk, Tirunelveli District. The writ petitioner is very concerned about the same. He has filed the writ petition stating that the petitioner Trust is planning to construct a hospital in the adjacent land of the 5th respondent for the welfare of the local people. If permission is granted, then naturally the environment will get polluted and this would also cause immense hardship, not only to the petitioner but also, whenever the hospital is built, to the patients who come there seeking treatment. Therefore, the present writ petition has been filed.

3. The learned Special Government Pleader, who had taken notice on behalf of the respondent Nos. R1 to R4 had stated that the 3rd respondent / Revenue Inspector had examined and inspected the place where the 5th respondent had sought permission and had given a report. However, the learned Special Government Pleader, very appreciably had called the entire file and drawn attention to the notice on 13.12.2019, wherein, it had been stated that the petitioner herein had raised an objection and therefore, no further action is to be taken, pursuant to the report of the 3rd respondent. The said statement and the notice in the original file are recorded. It is further directed that if, any of the respondents, seek to consider the application of the 5th respondent, they must put the petitioner on notice and hear the objections and only thereafter, consider either to grant or to refuse any such permission.



4. With these observations, the writ petition stands disposed of. No Costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (crl.side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Pkn

To

1. The Sub Collector,
Cheranmagadevi Sub Division,
Cheranmagadevi,
Tirunelveli District.
2. The Tahsildar,
Nanguneri Taluk,
Nanguneri, Tirunelveli District.
3. The Revenue Inspector,
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4. The Joint Director,
Mines and Minerals,
District Collector Complex,
Tirunelveli.

+1 CC to SPL.GP (SR-12684[F] dated 20/03/2020)

+1 CC to Mr.T.SELVAKUMARAN, Advocate (SR-12623[F] dated 20/03/2020)

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