



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.09.2020

CORAM

WEB COPY

THE HONOURABLE **MR.JUSTICE G.R.SWAMINATHAN**

W.P. (MD)No.8660 of 2020

R.Sudha

... Petitioner

Vs.

1. The District Collector,
Kanyakumari District at Nagercoil.
2. The District Health Officer,
Vadasery, Nagercoil,
Kanyakumari District.
3. The Assistant Director,
Tamilnadu Pollution Control Board,
Water Tank Road, near Y.R.Mahal,
Nagercoil, Kanyakumari District.
4. The Block Development Officer,
Kozhipoarvilai Panchayat Union,
Mulagumoodu,
Kanyakumari District.

5.G.Anish

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, directing the respondents 1 to 4, to prevent the fifth respondent from running the flour industry situated in survey no.16/1, patta No.513 at Aathivilai union Panchayat, Kalkulam Taluk, Kanyakumari District on the basis of the petitioner's representation dated 02.07.2020.

For Petitioner : Mr.C.K.M.Appaji

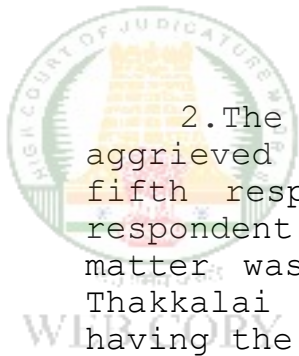
For R1 to R4 : Mr.M.Rajarajan,
Additional Government Pleader.

For R5 : Mr.M.P.Senthil

ORDER

Heard the learned counsel appearing on either side.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The petitioner is said to be an Aasthuma patient. She feels aggrieved by the running of petition mentioned flour unit by the fifth respondent herein. The petitioner states that the fifth respondent is not having any proper licence. But, today when the matter was taken up for hearing, the Block Development Officer, Thakkalai has indicated that the fifth respondent is very much having the licence to run the unit.

3.At the same time, this Court cannot ignore the concerns expressed by the petitioner herein. It is open to the petitioner herein to move the third respondent. The third respondent will consider the petitioner's representation and issue advisory to the fifth respondent, so that, the petitioner's concerns can be effectively addressed. In other words the running of the flour mill will not be stopped. But then, the unit will be run in such a way that the petitioner will not suffer any kind of nuisance. All appropriate measures to abate the nuisance will be taken by the fifth respondent based on the advisory to be issued by the third respondent.

4.The learned counsel appearing for the fifth respondent states that the fifth respondent will fully co-operate in the matter. Recording the undertaking of the fifth respondent, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

gns

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

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Kanyakumari District at Nagercoil.
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3. The Assistant Director,
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4. The Block Development Officer,
Kozhipoarvilai Panchayat Union,
Mulagumoodu,
Kanyakumari District.

+1 CC to Mr.M.P. SENTHIL, Advocate SR-18428.
+1 CC to GP SR-18525 & 13826.

W.P. (MD)No.8660 of 2020
29.09.2020

MR (CO)
CS (12.10.2020) 3P 7C