



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.09.2020

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.9071 of 2020

and

W.M.P. (MD)Nos.8288 and 8290 of 2020

B.Robert Jegan

... Petitioner

Vs.

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The Assistant Director of Town Panchayats,
Collectorate Campus,
Nagercoil, Kanyakumari District.

3.The Executive Officer,
Palapallam Town Panchayat,
Palapallam Post,
Kanyakumari District.

4.The District environmental Engineer,
Tamil Nadu Pollution Control Board,
318/46 A, Water Tank Road,
Nagercoil.

5.The Assistant Director of Geology and Mining,
Collectorate Campus, Nagercoil.

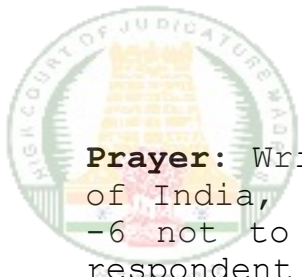
6.The Deputy Director of Health Services,
Krishnancoil, Nagercoil.

7.The Superintending Engineer,
Kanyakumari Electricity Distribution Circle,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Parvathipuram, Nagercoil.

8.The Junior Engineer,
Distribution, Tamil Nadu Generation and
Distribution Corporation Ltd,
Kanyakumari District.

9.J.Jerlin

... Respondents



Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1-6 not to grant permission to the proposed brick kiln of the 9th respondent in R.S.Nos 380/3, 380/15, 380/16 and 380/21 of Keezh Midalam "B" village, Killiyoor Taluk, Kanyakumari District and further directing the respondents 7 and 8 not to provide electric service connection to the proposed brick kiln.

For Petitioner : Mr.C.T.Perumal
For R1 to R3, 5 and 6 : Mr.C.Ramar,
Additional Government Pleader

For R4 : Mr.C.Kasirajan

For R7 and R8 : Ms.M.Rajeswari,
for Mr.S.M.S.Johny Basha

For R9 : No Appearance

O R D E R

Heard the learned counsel on either side.

2. Though the 9th respondent has been served and his name is printed in the cause list, there is no representation on his behalf.

3.The writ petitioner is a permanent resident of Saralvilai Village. The allegation is that without getting permission from the concerned authorities, the 9th respondent is proposing to put up a brick kiln unit in the petition mentioned survey numbers.

4.The petitioner's counsel alleges that the brick kiln is sought to be located in a residential area. Therefore, this Court ordered notice to the authorities and asked for their response.

5.The learned counsel appearing for the local body states that the local body has not given any permission to the 9th respondent to start any brick kiln unit. Likewise, the learned standing counsel for the Pollution Control Board has also stated that no permission has been given by them.

6.Since without permission of these authorities, the brick kiln cannot be started the 9th respondent is restrained from putting up any brick kiln unit without their permission. However, if the 9th respondent applies to the concerned authorities, the concerned authorities shall put the petitioner on notice, hear him and then only dispose of the 9th respondent's application.



7. With this direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

WEB COPY

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

das

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:

1. The District Collector,
Kanyakumari District,
Nagercoil.
2. The Assistant Director of Town Panchayats,
Collectorate Campus,
Nagercoil, Kanyakumari District.
3. The Executive Officer,
Palapallam Town Panchayat,
Palapallam Post,
Kanyakumari District.
4. The District environmental Engineer,
Tamil Nadu Pollution Control Board,
318/46 A, Water Tank Road,
Nagercoil.
5. The Assistant Director of Geology and Mining,
Collectorate Campus, Nagercoil.
6. The Deputy Director of Health Services,
Krishnancoil, Nagercoil.



7.The Superintending Engineer,
Kanyakumari Electricity Distribution Circle,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Parvathipuram, Nagercoil.

8.The Junior Engineer,
Distribution, Tamil Nadu Generation and
Distribution Corporation Ltd,
Kanyakumari District.

+1 CC to M/s.GP (SR-17270[F] dated 17/09/2020)

+1 CC to M/s.C.T. PERUMAL, Advocate (SR-17337[F] dated 17/09/2020)

+1 CC to M/s.C. KASIRAJAN, Advocate (SR-17475[F] dated 18/09/2020)

W.P. (MD)No.9071 of 2020
and
W.M.P. (MD)Nos.8288 and 8290 of 2020

16.09.2020

NR (01.10.2020) 4P 12C