



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 13.10.2020
CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

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W.P(MD).No.14264 of 2020
and
W.M.P.(MD).No.11922 of 2020

P.Ramadhas

... Petitioner

Vs.

- 1.The District Collector,
Kanniyakumari District at Nagercoil.
- 2.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
No.318, Water Tank Road, Nagercoil - 629 001,
Kanniyakumari District.
- 3.The Deputy Director of Health,
District Public Health Department,
Nagercoil, Kanniyakumari District.
- 4.The Block Development Officer,
Munchirai Panchayat Union,
Munchirai, Kanniyakumari District.
- 5.The President,
Panikulam Village Panchayat,
Panikulam, Kanniyakumari District.
- 6.Mr.Nesarajakumar,
- 7.Ferin Maruthi Motors Tinkering and Painting Works,
Prop. Kaviraj, (S/o. Name not known)
Workshop running at
Door No.9/65B, Madathuvilai, Amsi,
Thengapattinam Post,
Kanniyakumari District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 5 to close the Motors Tinkering and Spray Painting Works unit running in Survey No.272/4A of Panikulam Village, operated at Door No.9/65 B of Madathuvilai, Amsi, Thengapattinam Post, Kanniyakumari District, under the Local Body Acts and Health Acts in force.



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For Petitioner : Mr.N.S.Ramakrishna Dass
For Respondents : Mr.A.Karthik for R1 & R3
Government Advocate
Mr.P.Mahendran for R4 & R5
Additional Government Pleader
Mr.C.Kasirajan for R2
Standing Counsel

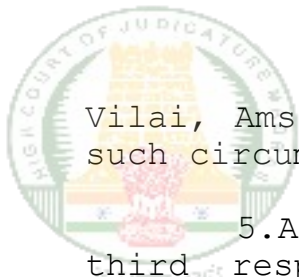
ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents 1 to 5 to close the Motors Tinkering and Spray Painting Works unit running in Survey No.272/4A of Panikulam Village, operated at Door No.9/65 B of Madathuvilai, Amsi, Thengapattinam Post, Kanniyakumari District.

2.Heard Mr.N.S.Ramakrishna Dass, learned counsel appearing for the petitioner. Mr.A.Karthik, learned Government Advocate, accepts notice on behalf of the respondents 1 and 3. Mr.C.Mahendran, learned Additional Government Pleader, accepts notice on behalf of the respondents 4 and 5 and Mr.C.Kasirajan, learned Standing Counsel accepts notice on behalf of the respondent No. 2.

3.By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4.It is the case of the petitioner that he is residing at Door No.9/65, Madathu Vilai, Amsi, Thengapattanam, Kanniyakumari District. It is his case that the sixth respondent is the owner of the Door No.9/65B in S.No.272/4A, situated at Madathu Vilai, Amsi, Thengapattanam, Kanniyakumari District. According to the petitioner, in the said property, the seventh respondent is illegally having a Motor Tinkering and Spray Painting Workshop. According to the petitioner, the seventh respondent is running the workshop in open area and the said workshop is surrounded by residential houses. According to him, the seventh respondent is running the unit without following any safety norms and not following the Pollution Control Laws. The petitioner has given a representation to the respondents No.1 to 5, on 29.07.2020, calling upon them to take action against the sixth and seventh respondents for running the Motor Tinkering and Spray Painting Workshop, illegally. It is also the case of the petitioner that the third respondent has sent a reply, dated 26.09.2020 to the petitioner informing him that the seventh respondent has not obtained any licence from the third respondent office. The third respondent has also addressed a communication to the fifth respondent, calling upon him to take legal action against the sixth and seventh respondents. According to the petitioner, till date, no legal action has been initiated by the respondents 1 to 5 against the sixth and seventh respondents for operating a Motor Tinkering and Spray Painting Workshop at Door No.9/65B at Madathu



Vilai, Amsi, Thengapattanam, Kanniyakumari District, illegally. In such circumstances, this writ petition has been filed.

5. Admittedly, as seen from the reply dated 26.09.2020, the third respondent has inspected the Motor Tinkering and Spray Painting Works Unit of the seventh respondent at Door No.9/65 B, Madathu Vilai, Amsi, Thengapattanam, Kanniyakumari District and has found that the said Unit is being operated by the seventh respondent without any licence. It is the contention of the petitioner that the unit operated by the seventh respondent causes pollution and further, the said Unit is surrounded by residential houses. According to the petitioner, due to the pollution, all the residents of the said locality are affected as they are inhaling poisonous gases. Admittedly, a communication has been addressed by the third respondent to the fifth respondent, calling upon the fifth respondent to initiate legal action against the sixth and seventh respondents for running the Unit without any licence and for violation of Pollution Control Laws.

6. For the forgoing reasons, this Court is of the considered view that there is merit in the representation given by the petitioner to initiate legal action against the 6th and 7th respondents for running a Motors Tinkering and Spray Painting Works unit, at Door No.9/65 B of Madathuvilai, Amsi, Thengapattinam Post, Kanniyakumari District, illegally.

7. Therefore, this Court directs the respondents 2 to 5 to initiate legal action against the sixth and seventh respondents in accordance with law for the alleged violation committed by them by running Motors Tinkering and Spray Painting Works unit at Door No.9/65 B of Madathuvilai, Amsi, Thengapattinam Post, Kanniyakumari District, within a period of two weeks from the date of receipt of a copy of this order.

8. With the aforesaid direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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,
Kanniyakumari District at Nagercoil.
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- 4.The Block Development Officer, Munchirai Panchayat Union,
Munchirai, Kanniyakumari District.
- 5.The President, Panikulam Village Panchayat, Panikulam,
Kanniyakumari District.

+1 CC to M/s.N.S. RAMAKRISHNA DASS, Advocate (SR-19987[F] dated 14/10/2020)

+1 CC to M/s.P. MAHENDRAN, Advocate (SR-20016[F] dated 14/10/2020)

+1 CC to M/s.Special Govt.Pleader (SR-20053[F] dated 14/10/2020)

+1 CC to M/s.C. KASIRAJAN, Advocate (SR-20071[F] dated 14/10/2020)

**W.P (MD) .No.14264 of 2020
13.10.2020**

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