



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **15.04.2021**

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THE HONOURABLE MR.JUSTICE **N.ANAND VENKATESH**

W.P. (MD)No.7782 of 2021

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.. Petitioner

Vs.

- 1.The District Collector,
Kanyakumari District.
- 2.The Assistant Director of Panchayat,
Nagercoil,
Kanyakumari District.
- 3.The Assistant Director of Medical
& Rural Health Services,
Nagercoil,
Kanyakumari District.
- 4.The Executive Officer,
Kumarapuram Town Panchayat,
Manalikalrai,
Kanyakumari District.
- 5.Jeya Jeralson
- 6.Jeya Jenilson
- 7.Nelson

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 4 to take appropriate action to close the rubber sheet processing unit run by the respondents 5 to 7 in SY.No.335/11 of Kothanallur Villllage (now Kumarapuram Village) by considering the petitioner's representation dated 19.06.2020 and 06.01.2021.

For Petitioner : Mr.A.Balakrishnan

For Respondents : Mr.K.P.Narayanakumar,
Spl. Govt. Pleader for R1 to R3

Mr.S.Anwar Sameem for R5 to R7

Mr.Karuppasamy Pandian,
Govt. Advocate for R7.



ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus, directing the respondents 1 to 4 to take action on the representations made by the petitioner on 19.06.2020 and 06.01.2021, wherein the petitioner has alleged that respondents 5 to 7 have been illegally carrying on with a rubber sheet processing unit.

2. Heard Mr.A.Balakrishnan, learned counsel for the petitioner, Mr.K.P.Narayanakumar, learned Special Government Pleader appearing on behalf of the respondents 1 to 3, Mr.Karupphasamy Pandian, learned Government Advocate appearing on behalf of the fourth respondent and Mr.S.Anwar Sameem, learned counsel appearing on behalf of the respondents 5 to 7.

3. The learned Government Advocate appearing on behalf of the fourth respondent submitted that pursuant to the representations submitted by the petitioner, notice has been issued to both the parties and the same is under enquiry. The learned Government Advocate further submitted that the enquiry will be conducted within the time limit stipulated by this Court.

5. The learned counsel appearing on behalf of the respondents 5 to 7 submitted that they have obtained all necessary permissions and there are also civil suits between the parties and concealing the same, the petitioner has approached this Court with unclean hands. The learned counsel further submitted that even if this Court is inclined to issue direction to the fourth respondent to dispose of the representations, it must be made clear that the orders passed in this Writ Petition will not automatically enure to the benefit of the petitioner and the same will be considered by the fourth respondent strictly on merits and in accordance with law.

6. Taking into consideration the facts and circumstances of the case and also of the fact that the fourth respondent has already acted upon the representations made by the petitioner, there shall be a direction to the fourth respondent to afford sufficient opportunity to the petitioner and respondents 5 to 7 and deal with the issue on its own merits and strictly in accordance with law and pass appropriate orders within a period of six (6) weeks from the date of receipt of a copy of this order. It is made clear that the order passed in this Writ Petition will not influence the decision making process of the fourth respondent and the fourth respondent is expected to independently apply his mind and pass orders. The petitioner and respondents 5 to 7 shall co-operate for the enquiry and ensure that it is completed within the time limit fixed by this Court.



7. This Writ Petition is disposed of with the above direction.
No costs.

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Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

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.

vsm

To

- 1.The District Collector,
Kanyakumari District.
- 2.The Assistant Director of Panchayat,
Nagercoil,
Kanyakumari District.
- 3.The Assistant Director of Medical
& Rural Health Services,
Nagercoil,
Kanyakumari District.
- 4.The Executive Officer,
Kumarapuram Town Panchayat,
Manalickarai,
Kanyakumari District.

+1 CC to M/s.T.ANTONY ARUL RAJ, Advocate (SR-15822[F] dated 15/04/2021)

+1 CC to M/s.A.BALA KRISHNAN, Advocate (SR-16145[F] dated 17/04/2021)

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



+1 CC to M/s.SPL GP (SR-16303[F] dated 17/04/2021)

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W.P. (MD) No. 7782 of 2021
15.04.2021

GS (23.04.2021) 4P 8C