



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.11.2021

CORAM:

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD)No.19717 of 2021

T.Joseph Shibu,

.. Petitioner

-vs-

- 1.The District Collector,
Kanyakumari District, Nagercoil.
- 2.The Assistant Director of Town Panchayat,
Collectorate Office,
Nagercoil, Kanyakumari District.
- 3.The Deputy Director of Health Department,
Krishnankovil, Nagercoil,
Kanyakumari District.
- 4.The District Engineer,
Tamil Nadu Pollution Control Board,
Nagercoil, Kanyakumari District.
- 5.The Junior Engineer,
Tamil Nadu Electricity Board,
Kollancode, Kanyakumari District.
- 6.The Executive Officer,
Kollancode Town Panchayat,
Kollancode, Kanyakumari District.

7.Sunny Mon

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 6 to consider the petitioner's representation dated 01.10.2021 and to direct the respondents 1 to 6 to prevent the 7th respondent from establishing the Hallow Bocks Manufacturing Unit in Re.Survey No.643/11 and 643/15 situated at Kollancode "B" Village, Killiyoore Taluk, Kanyakumari District, which is surrounded by residential houses at large.



For Petitioner : Mr.Sreenivasan.M.R
For RR 1 to 3 : Mr.P.Subbaraj,
Counsel for State
For R6 : Mr.Shanmugavel,
Standing Counsel

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ORDER

The petitioner seeks consideration of the representation dated 01.10.2021 to prevent the seventh respondent from establishing a Hollow Blocks Manufacturing Unit in Re-Survey No.643/11 and 643/15, Kollancode "B" Village, Killiyoor Taluk, Kanyakumari District. The petitioner states that he is a resident of Kollancode "B" Village, which is said to be classified as a residential area. According to the petitioner, the seventh respondent is attempting to establish a Hollow Blocks Production Unit in his property, although the said property is situated in a residential special type area. The petitioner asserts that the establishment of such unit requires permission from the fourth respondent. By citing proceedings dated 06.10.2021 of the sixth respondent, the petitioner points out that the seventh respondent was called upon to immediately stop construction activities. Similarly, the petitioner relies upon a communication dated 18.10.2021 from the fourth respondent. The petitioner states that by such communication, the seventh respondent was informed that he had undertaken construction activities without permission from the fourth respondent. The present writ petition is filed seeking the consideration of the petitioner's representation in the above facts and circumstances.

2.Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of respondents 1 to 3 and Mr.Shanmugavel, learned Standing Counsel, accepts notice for the sixth respondent.

3.As indicated above, the petitioner has enclosed the proceedings of the sixth respondent and the communication from the fourth respondent to the petitioner. The said documents indicate *prima facie* that the seventh respondent has undertaken construction activities without obtaining the requisite permission. However, without putting the seventh respondent on notice, no definite conclusion can be drawn in such regard. In any event, the relief prayed for in the writ petition is a direction to consider the petitioner's representation.

4.Accordingly, without entering any findings on the merits of the matter, the sixth respondent is directed to consider the petitioner's representation dated 01.10.2021 and dispose of the same after providing a reasonable opportunity to the petitioner and the seventh respondent. Such reasoned order shall be issued within a period of two months from the date of receipt of a copy of this order. The sixth respondent shall take into account all applicable



laws, including laws relating to environmental protection before taking a decision in the matter.

5.W.P.(MD) No.19717 of 2021 is disposed of on these terms without any order as to costs.

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Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

abr

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,
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Kollancode, Kanyakumari District.

+1 CC to M/s.M.R. SREENIVASAN, Advocate (SR-33620[F] dated 02/11/2021)



+1 CC to M/s.SPL.GP (SR-33688[F] dated 08/11/2021)

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02.11.2021

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KB(19.11.2021) 4P 9C