



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD) No.24446 of 2018

and W.M.P. (MD) No.22142 of 2018

C.Alexander Joseph

.. Petitioner

Vs

1.The District Collector,
Kanyakumari District,
at Nagercoil.

2.The Revenue Divisional Officer,
Padmanabhapuram,
Kanyakumari District.

3.The Executive Officer,
Palugal Panchayat Office,
Palugal,
Kanyakumari District.

4.Lazer

5.The District Environment Engineer,
Tamil Nadu Pollution Control Board,
No.318/46A, Water Tank Road,
Nagercoil,
Kanyakumari District.

.. Respondents

(R5 impleaded vide order of Court in W.M.P.(MD) No.22641 of 2018 in W.P.(MD) No.24446 of 2018 dated 12.07.2021 by TSSJ & SAIJ)

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus, directing the respondents 1 to 3 to remove the Cement Works Business carried out in the name and style of "L.V.S. Cement Works" at Re.Sy.No.116/11 of Palugal Village, Kanyakumari District.

For Petitioner

: Mr.S.C.Herold Singh



WEB COPY

For Respondents

: Mr.A.K.Manickam,
Standing Counsel for
Government
For R1, R2 and R5
Mr.A.Thiyagarajan
Standing Counsel for R3
Mr.S.Titus For R4

O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.S.C.Herold Singh, learned counsel appearing for the petitioner, Mr.A.K.Manickam, learned Standing Counsel for Government, appearing for the respondent Nos.1, 2 and 5, Mr.A.Thiyagaraj, learned Standing Counsel for respondent No.3 and Mr.S.Titus, learned counsel for respondent No.4.

2.The writ petitioner seeks for a direction upon respondent Nos.1 to 3 to remove the Cement Works Business, which is being carried out by the fourth respondent in the name and style of "L.V.S. Cement Works" at Re.Sy.No.116/11 of Palugal Village, Kanyakumari District, which is said to be a residential area.

3.The counter affidavit filed by the third respondent shows that no permission has been obtained for running Cement Works and therefore, stop work notice was issued on 11.12.2018 and thereafter, no further action was initiated.

4.The learned counsel for the fourth respondent referred to various approval granted for running the Cement Works.

5.We have to find out that whether such activity of the fourth respondent is being carried out in residential area or mixed residential area. Further, the fourth respondent has issued stop work notice. It is not clear as to why the Panchayat has not proceeded further in the matter. In any event, inspection requires to be conducted after notice to the petitioner and the fourth respondent.

6.Therefore, we direct the third respondent to conduct inspection of the premises in question, after issuing notice to the petitioner and the fourth respondent. The fifth respondent District Environmental Engineer shall depute one of his officer during the inspection. During the inspection, the unit should be functioning. After conducting inspection, appropriate action be taken in accordance with law, if it is found that there is pollution. This exercise shall be carried out within eight weeks from the date of receipt of a copy of this order.



7.The Writ Petition stands disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sj

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,
at Nagercoil.
- 2.The Revenue Divisional Officer,
Padmanabhapuram,
Kanyakumari District.
- 3.The District Environment Engineer,
Tamil Nadu Pollution Control Board,
No.318/46A, Water Tank Road,
Nagercoil,
Kanyakumari District.
- 4.The Executive Officer,
Palugal Panchayat Office,
Palugal,
Kanyakumari District.

+1 CC to M/s.SPL GP (SR-22277[F] dated 13/07/2021)

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-22379[F] dated 13/07/2021)

W.P. (MD) No.24446 of 2018
12.07.2021

ES (CO)

KB(30.07.2021) 3P 7C