



W.P.(MD)No.2713 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.2713 of 2022

and

W.M.P(MD)No.2410 of 2022

Muthukumar

... Petitioner

Vs

1.The Block Development Officer,
Thoppampatti Panchayat Union,
Palani Taluk,
Dindigul District.

2.The Executive Officer/
The President,
Vilvathampatti Village Panchayat,
Palani Taluk,
Dindigul District.

3.Sivarasu

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents 1 and 2 to take action as against the third respondent for running flour mill in No.43/1, North Street (S.No. 221/8) at Vilvathampatti Village, Palani Taluk, Dindigul District without obtaining any permission or licence as per Section 160 of the Tamil



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Nadu Panchayat Act and by causing nuisance as defined under Section 41 Tamil Nadu Public Health Act based on the complaint, dated 17.08.2021 within a time frame.

For Petitioner : Mr.D.Venkatesh
For Respondents : Mr.A.K.Manickam
Special Government Pleader for R.1 & R.2
Mr.S.Sivathilakar for R.3

ORDER

Heard the learned counsel on either side.

2. The grievance of the writ petitioner is that the authorities must take action against the third respondent for running the petition mentioned Flour Mill without obtaining permission or licence.

3. When the matter was taken up for hearing, the learned counsel appearing for the third respondent submitted that he had already applied to the second respondent for grant of licence. The second respondent shall consider the application of the third respondent after hearing the writ petitioner pass final order within a period of eight weeks from the date of receipt of a copy of this order.

4. The third respondent stated that he had already intimated the Panchayat and that the premises were also originally assessed to the property



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tax and only following the complaint with the writ petitioner the assessment was cancelled.

5. The third respondent is permitted to submit a fresh application before the second respondent. The second respondent will place the same for the consideration of the council and a decision shall be taken. If the council decides to grant licence to the third respondent, then the Flour Mill can be allowed to run. If the council decides against grant of licence, then the respondents 1 and 2 will have to take action against the third respondent in accordance with law. The rights of the third respondent are left open.

6. This writ petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

17.08.2022

Index : Yes / No
Internet : Yes/ No
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To

1. The Block Development Officer,
Thoppampatti Panchayat Union,
Palani Taluk,
Dindigul District.



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2.The Executive Officer/
The President,
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Dindigul District.

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