



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2022

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P(MD).No.3331 of 2022

AND

W.M.P.(MD).No.2917 of 2022

S.Venkatesh Priya

.. Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Commissioner,
Sivakasi Panchayat Union,
Sivakasi, Virudhunagar District.

3.The Panchayat President,
Anupankulam Panchayat,
Anupankulam, Sivakasi Taluk,
Virudhunagar District.

4.Balamurugan

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, restraining the 1 to 3 respondents herein from any manner from issuing the Firework and Crackers Shop license to the 4th respondent, in any capacity in the midst of approved layout for residential in a land in Plot Nos.6 and 7 in Anupankulam Panchayat, Sivakasi Taluk, Virudhunagar District, was approved by the 2nd and 3rd respondents of Anupankulam Panchayat Union, under Layout No.86/10.09.2001, which is set apart for residential area and pass such further or other orders as this Court.

For Petitioner : Mr.S.Mahalakshmi

For Respondents: Mr.D.Sasikumar for R1 and R2
Additional Government Pleader

Mr.J.K.Jeyaseelan for R3
Government Advocate



ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents No.1 to 3 to consider the petitioner's representation dated 07.01.2022, requesting the respondents 1 to 3 to take action against the fourth respondent for constructing a shop, which will be used for fire work and crackers sales at Plot Nos.6 and 7 in Anupankulam Panchayat, Sivakasi Taluk, Virudhunagar District.

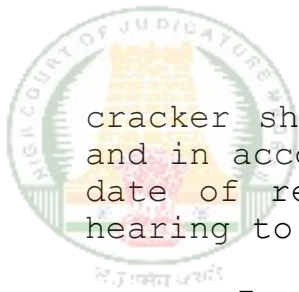
2.According to the petitioner, the aforementioned property is situated in residential area and it falls under Anupankulam Panchayat union approved lay out. However, it is the case of the petitioner that the fourth respondent is constructing a building in the aforesaid property for the purpose of selling fire crackers which is detrimental to the interest of the residents in the area. The petitioner has given a representation on 07.01.2022, to the official respondents calling upon them to take action against the fourth respondent. Since the representation has not been considered till date, she has filed this writ petition.

3.Heard Ms.S.Mahalakshmi, learned counsel for the petitioner, Mr.D.Sasikumar, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 and 2 and Mr.J.K.Jeyaseelan, learned Government Advocate, who accepts notice on behalf of the third respondent.

4.By consent of both parties this writ petition is taken up for final hearing at the admission stage itself.

5.No prejudice will be caused to the respondents, if the petitioner's aforesaid representation is considered on merits and in accordance with law, after affording a fair hearing to the petitioner as well as the fourth respondent and other necessary parties. The petitioner has given a representation that illegally the fourth respondent is attempting to run a fire crackers shop in the newly constructed building to be put up by him in the aforementioned property. Admittedly, the said representation given by the petitioner has not been considered till date by the official respondents. Being a fire crackers shop, the representation of the petitioner has to be disposed of expeditiously.

6.Accordingly, this Court directs the first respondent to consider the petitioner's representation dated 07.01.2022, calling upon the official respondents to take action against the fourth respondent for constructing a building at Plot Nos.6 and 7 in Anupankulam Panchayat, Sivakasi Taluk, Virudhunagar District, falling within Anupankulam Panchayat Union under lay out No.86/10.09.2001, on account of the alleged proposal to run a fire



cracker shop in the said property and pass final orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order, after affording a fair hearing to the petitioner as well as the fourth respondent.

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

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

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,
Virudhunagar District,
Virudhunagar.
2. The Commissioner,
Sivakasi Panchayat Union,
Sivakasi, Virudhunagar District.
3. The Panchayat President,
Anupankulam Panchayat,
Anupankulam, Sivakasi Taluk,
Virudhunagar District.

+1 CC to M/s.SPL GP (SR-8082[F] dated 23/02/2022)

**ORDER MADE IN
W.P (MD) .No.3331 of 2022
22.02.2022**