



W.P(MD) No.22422 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.11.2022

CORAM:

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

**W.P.(MD) No.22422 of 2022
and WMP(MD) No.16617 of 2022**

1. S.Suja
2. Lingeshwari
3. P.Mahesh
4. Merlin
5. Rayappan
6. Stephen
7. Sivasudalaimani
8. Iqbal
9. Vinitha
10. George Ammal
11. Sahaya Sarginal
12. Sahaya Jude Albino
13. Boologa Raja
14. Delphin Jacob
15. Aani Rose
16. Atlin

... Petitioners

-VS-

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



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2. The Assistant Director,
Town Panchayat, Collectorate Campus,
Nagarcoil, Kanyakumari District.

3. The Executive Officer,
Kanyakumari Town Panchayat, Kanyakumari,
Kanyakumari District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings of the first respondent in Na.Ka.No.7326/2022/P3 dated 13.09.2022 and quash the same and consequently, directing the first respondent to grant permission to the second respondent to put up and lease out temporary shops during the period from mid of November 2022 to mid of January 2023.

For Petitioners : Mr.VR.Shanmuganathan

For Respondents : Mr.P.Thilak Kumar,
Government Pleader
for R1 and R2
Mr.G.V.Vairam Santhosh
Additional Government Pleader
for R3

ORDER

(Order of the Court was made by R.MAHADEVAN, J.)

Challenging the proceedings dated 13.09.2022, passed by the first respondent – the District Collector, Kanyakumari District, refusing to grant permission to set up temporary seasonal shops in the beach road of



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Kanyakumari District, the petitioners have come forward with this writ petition.

2. Heard Mr.VR.Shanmuganathan, learned counsel for the petitioners, Mr.P.Thilak Kumar, learned Government Pleader appearing for the respondents 1 and 2 and Mr.G.V.Vairam Santhosh, learned counsel appearing for the third respondent.

3. Learned counsel for the petitioners submitted that every year during the festival season from the mid of November to the mid of January, permission is being granted by the respondents for temporary seasonal shops outside the prohibited zone at Kanyakumari District. However, for this year, the respondents are not granting permission to set up such temporary shops. Hence, this writ petition.

4. In reply, the learned Government Pleader appearing for the respondents 1 and 2 has produced the proceedings of the second respondent in Na.Ka.No.2052/2022 கடுமாநகரா, dated 21.10.2022 and submitted that the proposed areas for setting up of the temporary seasonal shops fall within 500 meters of the Coastal Regulation Zone as



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per G.O.No.152, Housing and Urban Development Department, dated 22.02.1994 and therefore, the impugned order has been rightly passed.

5. At this juncture, the learned counsel for the petitioners submitted that the petitioners are inclined to set up the temporary seasonal shops in the areas which are not covered within the prohibited Coastal Regulation Zone and therefore, the petitioners may be permitted to make fresh applications in this regard to the respondents and the same may be directed to be considered and dispose of by the respondents within a time frame.

6. Recording the aforesaid submissions, this writ petition is disposed of directing the petitioners to make fresh applications seeking permission to put up temporary seasonal shops outside the prohibited zone, to the respondents within a week from the date of receipt of a copy of this order. On receipt of such applications, the respondents are directed to consider the same in the light of G.O.No.152, Housing and Urban Development Department, dated 22.02.1994 and other Government Orders in this regard and also the earlier orders passed by this Court and pass appropriate orders on merits and in accordance with



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law within a period of one week thereafter. No costs. Consequently,
connected miscellaneous petition is closed.

[R.M.D., J.] [J.S.N.P., J.]
07.11.2022

Index : Yes / No

Internet : Yes / No

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Note : Issue order copy tomorrow i.e., 08.11.2022.

To:

1. The District Collector,
Kanyakumari District, at Nagarcoil.
2. The Assistant Director,
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