



W.P.(MD)No.22789 of 2021

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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.22789 of 2021

L.Suresh

... Petitioner

Vs

- 1.The District Collector,  
Kanyakumari District,  
Kanyakumari.
- 2.The Assistant Director of Town Panchayat,  
Collectorate Office,  
Nagercoil,  
Kanyakumari District.
- 3.The Assistant Director,  
Industrial Safety and Health Department,  
Tirunelveli District.
- 4.The District Engineer,  
Tamil Nadu Pollution Control Board,  
Nagercoil, Kanyakumari District.
- 5.The Tahsildhar,  
Padmanathapuram Taluk,  
Kanyakumari District.
- 6.The President,  
Katathurai Village Panchayat,  
Kanyakumari District.



W.P.(MD)No.22789 of 2021

7.A.Ajesh

... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the 5th respondent to consider petitioner's representation dated 20-11-2021 and remove the industrial unit which is being run without any approval and proper permission.

For Petitioner : Mr.S.Micheal Heldon Kumar

For R1 to R3 &

R5 : Mr.K.Balasubramani

Special Government Pleader

For R4 : Mr.Vijayakumar Natarajan

### **ORDER**

Heard the learned counsel on either side.

2. The case of the petitioner is that the seventh respondent is running a brick kiln unit in a residential locality without getting prior permission from the concerned authorities.

3. The 7<sup>th</sup> respondent on the other hand would point out that he had already filed O.S.No.131 of 2020 on the file of the Principal District Munsif Court, Padmanabhapuram against the local body and that an order of interim injunction is operating in his favour. The petitioner had already moved the Pollution Control Board and the Pollution Control Board had also called upon



W.P.(MD)No.22789 of 2021

the jurisdictional BDO vide communication dated 11.09.2020 to take appropriate action in accordance with law.

4. The 4<sup>th</sup> respondent is directed to take consequential action after following due process. It goes without saying that if the seventh respondent is unable to produce the requisite license and proper consent, consequences will have to follow.

5. The Writ Petition is disposed of accordingly. No costs.

**17.08.2022**

Index : Yes / No  
Internet : Yes/ No  
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W.P.(MD)No.22789 of 2021

**G.R.SWAMINATHAN, J.**

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W.P.(MD)No.22789 of 2021

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