



W.P.(MD).No.26366 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.(MD)No.26366 of 2022

and

W.M.P.(MD).No.20545, 20546 and 20547 of 2022

K.Thavasumony

... Petitioner

vs.

1.The District Collector,
Nagercoil,
Kanyakumari District.

2.The Vellimalai Town Panchayat,
represented by its Executive Officer,
Stationed at Thirunainar Kurichi,
Ammandivilai Post,
Kanyakumari District 629 204.

3.Mr.B.Kannan

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.99/2022/A1 dated 05.09.2022 on the file of the respondent No.2 and the consequential impugned order in Na.Ka.No.99/2022/A1 dated 16.11.2022 on the file of the respondent No.2 and quash the same as illegal consequently forbear the respondent No.2 from interfering with the petitioners



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Manufacturing Unit namely Jeyams Fishing Nets at S.No.696/11G, Vellichandai A Village, Kalkulam Taluk, Kanyakumari District within the time frame stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy
For R1 : Mr.D.Gandhiraj
Special Government Pleader
For R2 : Mr.M.Senthil Ayyanar
Government Advocate

ORDER

This writ petition has been filed challenging the impugned order passed by the second respondent dated 05.09.2022 and the consequential order of the second respondent dated 16.11.2022 and to quash the same and consequently forbear the second respondent from interfering with the petitioner's Manufacturing Unit viz., Jeyams Fishing Nets at S.No. 696/11G, Vellichandai A Village, Kalkulam Taluk, Kanyakumari District.

2.The case of the petitioner is that he is the Proprietor of small scale unit by name Jeyams Fishing Nets doing fishnet manufacturing business since 2011 by obtaining a loan to the tune of Rs.16 lakhs. For



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the past 12 years, he has been carrying out the business operation in his property in S.No.696/11G, Vellichandai A Village, Kalkulam Taluk, Kanyakumari District without any hindrance. In the circumstances, the third respondent recently built a house adjacent to his manufacturing unit and lodged a complaint alleging noise pollution and thereby causing health issues.

3. The second respondent through his proceedings dated 08.07.2022, had issued a notice calling upon him to produce all the licence obtained by him within a period of seven days. The petitioner has submitted his reply on 09.07.2022. But the same was not considered. The Executive Officer through his proceedings dated 05.09.2022, directed the petitioner to produce no objection certificate from the Department of Health, Fire and Safety and Pollution Control Board and not to operate the unit for 24 hours. The petitioner has submitted his explanation enclosing the Fire Safety Certificate. Thereafter, the second respondent has issued the consequential impugned order on 16.11.2022, stating that if the license / clearance is not obtained within a period of



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seven days, the industrial unit would be locked and sealed. Challenging the same, the present writ petition has been filed.

4. Heard the learned counsel for the petitioner, learned Special Government Pleader appearing for the first respondent and the learned Government Advocate appearing for the second respondent.

5. It is seen from the typed set of papers that the petitioner has not obtained any permission from the Local Body and also No Objection Certificate from the Pollution Control Board and the said industry is running in a residential area from the year 2011 onwards. Now the petitioner cannot come and state that he has been running the industry for a long time and the same has to be considered. No orders are necessary at this juncture. He has to seek other premises for running the industry and he cannot run the said industry in a residential area, which is causing trouble to the neighbouring child, who is also undergoing treatment. Hence, this Writ Petition is dismissed with liberty to the petitioner to work out the remedy, in the manner known to law. No costs.



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Consequently, the connected Miscellaneous Petitions are closed.

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V.BHAVANI SUBBAROYAN,J.

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