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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.10.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.3220 of 2021 and
W.M.P.(MD)No.2547 of 2021

K.C.Gireesan

... Petitioner

-VS-

1.The District Collector,
Kanyakumari District, Nagercoil.

2.The Tahsildar,
Vilavankode Taluk, Kanyakumari District.

3.The Block Development Officer
(Village Panchayat Union),
Moonjirai Panchayat Union,
Vilavankode Taluk, Kanyakumari District.

4.P.Manoharan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the 3rd respondent to execute the orders passed in his proceedings in Na.Ka.No.A9/2189/16 dated 17.09.2019 by lock and seal the welding workshop run by the 4th respondent in the name and style of ANS Engineering Welding works at Nattu Valli, Melankalam, Pudukadai Post, Kunnathur Village, Kanyakumari District within the period stipulated by this Court.



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For Petitioner :Mr.Ananth C.Rajesh
For R1 to R3 :Ms.S.Jeyapriya
Government Advocate

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus directing the third respondent to lock and seal the welding unit, that is being run by the fourth respondent in the subject property.

2.The case of the petitioner is that the fourth respondent is running a welding unit without obtaining any permission and hence, the third respondent through proceedings dated 17.09.2019 had already directed the welding unit to be closed. The grievance of the petitioner is that the said order was not acted upon and the fourth respondent continues to operate the welding unit.

3.The learned Counsel for the fourth respondent submitted that the fourth respondent has obtained all the necessary permissions to run the unit and therefore, the relief sought for by the petitioner is not sustainable.



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4. In the considered view of this Court, the third respondent has already issued proceedings dated 17.09.2019 on the ground that the fourth respondent is running the welding unit without obtaining proper permission. Therefore, it will be more appropriate if a direction is given to the third respondent to conduct an enquiry and collect all the documents, that are relied upon by the fourth respondent and thereafter, take a decision as to whether the fourth respondent must be stopped from continuing with the welding unit in the subject property. This direction is issued in view of the fact that the learned Counsel for the fourth respondent has relied upon certain documents to show that permission was in fact granted. A decision shall be taken by the third respondent in this regard within a period of four weeks from the date of receipt of a copy of this order.

5. This Writ Petition is disposed of in the above terms. No costs.

Index : Yes / No
NCC : Yes/No
cmr

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3/5



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N.ANAND VENKATESH, J.

cmr

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