



W.P.(MD) No.13161 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.08.2023

CORAM:

**THE HON'BLE MR.SANJAY V.GANGAPURWALA,
CHIEF JUSTICE**

and

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

**W.P.(MD) No.13161 of 2022
and WMP(MD) No.16087 of 2023**

N.Vijaya Murugan

... Petitioner

-VS-

- 1.The Director,
Directorate of Town and Country Planning,
No.807 Anna Salai,
Chennai 600 002.
- 2.The District Collector,
Kanyakumari District, at Nagercoil.
- 3.The Assistant Director of Town
and Country Planning
Collectorate Campus,Nagercoil and Post
Kanyakumari District
- 4.The Commissioner
Kollemcode Municipality
Kollemcode and Post,
Kanyakumari District



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WEB 5.Gopakumar

6.Kumari Sindhu

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus to direct the first, third and fourth respondents to proceed against the unauthorized construction of the vehicle service station in Re-survey No.507/9 of Kollemcode A Village, Killiyoor Taluk, Kanyakumari District by the fifth and sixth respondents on the basis of petitioner's complaints dated 27.04.2022, 24.05.2022 and 25.05.2022 in accordance with law.

For Petitioner : Mr.M.P.Hariprasad
For Respondents : Mr.J.Ashok for R1 to R3
Additional Government Pleader
Mr.P.Thilak Kumar for R4
Government Pleader
Mr.C.Kishore for R5 and R6

ORDER

**[Order of the Court was made by
The Hon'ble The CHIEF JUSTICE]**

We have heard Mr.M.P.Hariprasad, learned counsel for the petitioner, Mr.J.Ashok, learned counsel for the respondent Nos.1 to 3, Mr.P.Thilak Kumar, learned Government Pleader for the respondent No.4 and Mr.C.Kishore, learned counsel for the respondents 5 and 6.



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2. The petitioner raises objection to the construction of vehicle service station of the respondent Nos.5 and 6 in S.No.507/9 of Kollemcode A Village, Killiyoor Taluk, Kanyakumari District.

3. The learned counsel for the petitioner submits that the petitioner is residing adjacent to S.No.507/9. Unauthorisedly the 5th and 6th respondents constructed a vehicle service station. The health problem arises because of the same.

4. The learned counsel for the respondents 5 and 6 submits that respondents 5 and 6 have obtained no objection certificate from the Pollution Control Board, from the Fire and Safety Department and all other offices and also the application filed by the respondents 5 and 6 is pending with the 4th respondent. Because of the pendency of the writ petition, the same is not decided.

5. The learned Government Pleader for the respondent No.4 accepts that application is filed by the petitioner and the same is pending.



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WEB COPY 6. The respondent No.4 shall decide the application filed by the respondent Nos.5 and 6 with regard to the permission on its own merits and in accordance with law, preferably, within six weeks from today. Depending upon the decision taken by the respondent No.4, the parties are at liberty to take further steps.

7. The writ petition is disposed of accordingly. However, there shall be no order as to costs. consequently connected Miscellaneous Petition is closed.

[S.V.G., CJ.]

[C.K., J.]

31.08.2023

NCC : Yes / No
Index : Yes / No
RR



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THE HON'BLE THE CHIEF JUSTICE
and
C.KUMARAPPAN, J.

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