



WP(MD)No.15986 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **05.10.2023**

CORAM

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

W.P.(MD)No.15986 of 2020

and

W.M.P.(MD)No.13392 of 2020

N.Rajan

...Petitioner

/Vs./

- 1.The District Collector,
Office of the District Collector,
Nagercoil, Kanyakumari District – 629 001.
- 2.The Assistant Director of Village Panchayats,
District Collector Office,
Nagercoil, Kanyakumari District – 629 001.
- 3.The Block Development Officer,
Office of the Block Development Office,
Munchirai Panchayat Union,
Puthukkada Post, Kiliyoor Taluk,
Kanyakumari District – 629 171.
- 4.The President,
Methukummal Village Panchayat,
Munchirai Union, Killiyoor Taluk,
Kanyakumari District – 629 172.

5.Soman

...Respondents



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PRAYER:- Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1 to 4 respondents herein forthwith to stop the functioning of the Saw Mill run by the 5th respondent herein situated at Door No.17/110, Pulayanvilai House, Sooriacode Post, Methukummal Village Panchayat Killiyoor Taluk, Kanyakumari District-629153 and take necessary action against him in accordance with law on the basis of the petitioner's representation dated 08.06.2020.

For Petitioner : Mr.B.Jameel Arasu

For Respondents : Ms.D.Farjana Ghoushia (R1 to R4)

Special Government Pleader

Ms.J.Anandhavalli (R5)

ORDER

This writ petition has been filed for issuance of writ of mandamus directing the respondents 1 to 4 to consider the representation made by the petitioner on 08.06.2020 and to stop the functioning of a saw mill that is run by the fifth respondent in the suit property.

2. The third respondent has filed a counter affidavit in this case and the relevant portions are extracted hereunder:-



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“3. I respectfully submit that, the 5th Respondent/Thiru. Soman, Sooriacode Post has been given license vide Methukummal Village Panchayat License No.13130 dated: 18.11.2016 and 13172 dated: 05.01.2018 and accordingly he was running Carpentry unit of 3 Horse power capacity.

4. I respectfully submit that, the 5th Respondent/Thiru. Soman, Sooriacode Post has initially given petition citing public health among others towards closure of the Carpentry unit. I further submit that, the license of the petitioner for running of Carpentry unit was not renewed by Methukummal Village Panchayat till date.

5. I respectfully submit that, the Petitioner had given representation dated 08.06.2020, and subsequently, vide this Office Lr.No. A9/4333/2016 dated 18.06.2020, the 4th Respondent/President Methukummal Village Panchayat has been instructed to take further action.

.....

7. I respectfully submit that, as per the provisions contained in Tamil Nadu Panchayat Act, 1994, the competent authority viz. President, Methukummal Village Panchayat has been instructed again as per A9/4333/2016 dated 30.11.2020 to take necessary action, since the 5th Respondent herein in has not got any proper license from Methukummal Village Panchayat and also considering that, Competent authority have been instructed to take further action in this regard, and also since no proper license has been issued to 5th Respondents it is submitted that, the Petitioner's representation is addressed accordingly.”



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3. Heard Mr.B.Jameel Arasu, learned counsel for the petitioner and Ms.D.Farjana Ghoushia, learned Special Government Pleader for the respondents 1 to 4.

4. The stand taken by the petitioner is that the fifth respondent is running a saw mill, whereas the learned counsel for the fifth respondent has taken a stand that the fifth respondent is only running a carpentry unit and not a saw mill as alleged by the petitioner.

5. On going through the counter, it is seen that it is only the fourth respondent, who can initiate action, if the fifth respondent is running the saw mill without obtaining any licence.

6. In view of the above, there shall be a direction to the petitioner to submit a representation before the fourth respondent. The fourth respondent shall enquire the petitioner and the fifth respondent and shall proceed further strictly in accordance with law. A final decision shall be taken by the fourth respondent within a period of six weeks from the date of receipt of the representation from the petitioner.



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7. This writ petition is disposed in the above terms. No costs.

Consequently, connected miscellaneous petition is closed.

05.10.2023

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
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N.ANAND VENKATESH, J.

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Order made in
W.P.(MD)No.15986 of 2020

Dated:
05.10.2023