



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.06.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.16160 of 2022

and

W.M.P. (MD)No.11694 of 2022

WEB COPY

D.Valarmathi

... Petitioner

Vs.

1.The Chief Engineer,
Public Works Department,
Water Research Organization,
State Ground and Surface Water Resources
Data Centre,
Taramani, Chennai-113.

2.The District Collector,
Kanyakumari District,
Collectorate, Nagercoil.

3.The District Environmental Engineer,
Pollution Control Board,
No.49, Ambrose Street,
Nagercoil, Kanyakumari District - 629 001.

4.The Block Development Officer (Village Panchayats),
Munchirai Pachayat Union,
Puthukadai post,
Kanyakumari District.

5.The President,
Painkulam Village Panchayat,
Painkulam post - 629 173,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records in pursuant to the impugned order passed by the 5th respondent in her letter dated 27.05.2022 and Quash the same and consequently Direct the Respondents to consider and to grant permission to the Petitioner to run the ice plant in Survey Nos. 249/ 3, 8, 9 and 10 in Thengapattinam Village, Killiyoor Taluk, Kanyakumari District.

For Petitioners	:	Mr.M.Saravanakumar
For R1, R2 and R4	:	Mr.N.Muthuvijayan
		Special Government Pleader
For R3	:	M/s.Vijayakumari Ntarajan
For R5	:	M/s.R.Ragavendran

**ORDER**

The writ petition has been filed in the nature of Certiorarified Mandamus seeking interference with the order passed by the fifth respondent, President, Painkulam Village Panchayat at Kanyakumari District and to direct the respondents to grant permission to the petitioner to run an ice plant in survey numbers 249/3, 8, 9 and 10 in Thengapattinam Village, Killiyoor Taluk, Kanyakumari District.

2. Let me not enter into a detailed examination of the facts, since it is not denied that the petitioner herein and the fifth respondent / President of the Village Panchayat who had passed the impugned order, are at loggerhead with other. The petitioner is raising various allegations and complaints not only against the fifth respondent but also against her husband.

3. It is complained by the learned counsel for the petitioner that consequent to that, the fifth respondent had deliberately passed the impugned order overlooking the permissions granted by every authority who are to grant permission for running an ice plant.

4. In view of the fact that the order appears to have been passed owing to extraneous circumstances, the impugned order is set aside and so that peace may reign in the area, a direction is given to the fourth respondent, Block Development Officer, Village Panchayat, Moonjirai Panchayat Union, Pudukkadai Kanyakumari District, to re-examine the entire issue and pass necessary orders. The petitioner may be issued with notice and on issuance of notice, the petitioner may appear before the fourth respondent, produce the no objection certificates issued by all the other authorities and thereafter the fourth respondent may issue appropriate proceedings within a period of eight (8) weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition stands closed.

Sd/-

Assistant Registrar(T & P)

// True Copy //

/07/2023

Sub Assistant Registrar(CS)



1.The Chief Engineer,
Public Works Department,
Water Research Organization,
State Ground and Surface Water Resources
Data Centre, Taramani, Chennai-113.

2.The District Collector,
Kanyakumari District,
Collectorate, Nagercoil.

3.The Block Development Officer (Village Panchayats),
Munchirai Pachayat Union,
Puthukadai post, Kanyakumari District.

+1 CC to M/s.VIJAYAKUMARI NATARAJAN, Advocate (SR-28554[F] dated
16/06/2023)

+1 CC to M/s.M.SARAVANA KUMAR, Advocate (SR-28519[F] dated
16/06/2023)

W.P(MD)No.16160 of 2022

and

W.M.P.(MD)No.11694 of 2022

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