



W.P(MD)No.13823 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.07.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

**W.P(MD)No.13823 of 2015
and
W.M.P.(MD)No.1 of 2015**

H.Suyambu Kesavan

... Petitioner

Vs.

**1.The District Collector,
Kanyakumari District,
Kanyakumari.**

**2.The Tahsildar,
Agasteeswaram Taluk,
Kanyakumari District.**

**3.The Executive Officer,
Azhappapuram Town Panchayat,
Kanyakumari District.**

**4.The Assistant Engineer,
Distribution, TANGEDCO,
Mylaudy,
Kanyakumari District.**

5.C.Murugesan

6.M.Selvaprakash

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the Respondents 1 to 3 to take action against the respondents 5 & 6 for running industry without getting any license and consequently direct the respondents 1 to 3 to close the industry without license run by the Respondents 5 & 6 in S.No.396/2, 3, 4, 5 in Kulasekaram Village, Alagappapuram Town Panchayat, Agastheeswram Taluk, Kanyakumari District.

For Petitioner : Mr.M.Gnanangurunathan

For Respondents : Mr.S.RA.Ramachandran
Additional Government Pleader for R1 & R2
: Mr.R.Anandharaj for R3
: Mr.S.Deenadhayan for R4
: Mr.S.Saravana Kumar for R5 & R6

ORDER

Heard the learned counsel on either side.

2. The petitioner wants this Court to direct the official respondents to take action against the private respondents for running the factory without getting any license.

3. When the matter was taken up for hearing, the learned counsel for the contesting respondents filed typed set of papers indicating that they have obtained certificates from the concerned departments. The Pollution Control Board has given clearance both under the Air Act, 1981 as well as Water Act, 1974. The Fire Service Department has given their



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no objection. The department of Industries and Commerce has also issued a certificate. The petitioner's counsel insists that from the local body, no license has been obtained. He relied on Section 249 of the District Municipalities Act, 1920.

4. I went through the contents of the said provision. It in turn refers to Schedule 5. Schedule 5 contains the list of activities to carry on which license is required. It is not clear which activity set out in Schedule 5 is attracted in this case. The fifth and sixth respondents are said to be running a small scale unit. If license from the third respondent is required, the third respondent is directed to take action against the respondents 5 & 6

5. With this direction to the third respondent, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

18.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To

1.The District Collector,
Kanyakumari District,

3/4



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Kanyakumari.



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G.R.SWAMINATHAN, J.

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2.The Tahsildar,
Agasteeswaram Taluk,
Kanyakumari District.

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