



W.P(MD)No.28121 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.28121 of 2023

and

W.M.P.(MD)No.24214 of 2023

M.Rajakumari

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhuangar.

2.The Assistant Director of Panchayat,
O/o the District Collector Campus,
Virudhunagar.

3.The Tahsildar,
Sattur Taluk,
Virudhunagar District.

4.The President,
O.Mettupati Village Panchayat,
O.Mettupatti, Sattur Taluk,
Virudhunagar District.

5.Madhavan Raj

6.Srinivasan

7.Natcharammal

... 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 forbear the 4th respondent from permitting the respondents 6 and 7 from running any limekiln or any other hazardous unit in their property in Survey No.681, O. Mettupatti Village, Sattur Taluk, Virudhunagar District adjacent to the petitioners petroleum retail outlet in Survey No.680/1, O. Mettupatti Village, Sattur Taluk, Virudhunagar District.

For Petitioner : Mr.M.Kannan

For Respondents : Mr.M.Prakash
Additional Government Pleader for R1 to R3

: Mr.C.Baskaran
Government Advocate for R4

ORDER

Heard the learned counsel for the petitioner and the learned Additional Government Pleader for R1 to R3 and the learned Government Advocate for R4.

2. The petitioner is running a petrol bunk in Survey No.680/1, O.Mettupatti Village, Sattur Taluk. His allegation is that he is having a strained relationship with the president of the local body. The 6th respondent herein is the brother of the president of the local body. He is having a land adjacent to the petitioner's petrol bunk. The petitioner's case is that the 6th respondent is attempting to open the lime kiln unit. The petitioner's specific case is that if such an unit became operational, it would pose grave danger and safety



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hazards. The petitioner's counsel would impress upon the Court that lime kiln unit cannot be permitted to operate right next to a petrol bunk.

3. I do appreciate the concerns expressed by the learned counsel for the petitioner. But I am of the view that as against a private individual, the petitioner has to file only an injunction suit if the activities of the proposed defendants pose hazard or nuisance. The prayer in the writ petition is for forbearing the authorities from granting permission to the 6th respondent to open such unit. As on date, the authorities have not granted any permission. I am certain that the authorities will bear in mind the objection raised by the petitioner before they take any decision. If any decision that is adverse to the petitioner's interest is taken, the petitioner shall be forthwith furnished with a copy of the said proceedings so as to enable the petitioner to move this Court for relief. It is open to the petitioner to file an injunction suit against the 6th respondent. If any such suit is filed, it shall be numbered immediately and IA shall also be disposed of shortly thereafter. If any decision is taken by the authorities / R1 to R4, copy of the same will be furnished to the petitioner. The petitioner can move the writ Court for relief.



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G.R.SWAMINATHAN, J.

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4. With this observation and liberty to the petitioner and direction to the authorities, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

29.11.2023

Index : Yes / No

Internet : Yes/ No

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To

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