



W.P.(MD) No.2322 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.02.2024

CORAM:

THE HONOURABLE **MR.JUSTICE D.KRISHNAKUMAR**

AND

THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

W.P.(MD)No.2322 of 2024

N.Chelladurai

... Petitioner

-Vs-

- 1.The District Collector,
Kanyakumari District, at Nagercoil.
- 2.The District Environmental Engineer,
318/46A, Water Tank Road,
Ramavarmapuram, Nagercoil,
Kanyakumari District.
- 3.The Assistant Director of Panchayat,
Kanyakumari District At Nagercoil.
- 4.The District Health Officer,
Kanyakumari District, at Nagercoil.
- 5.The Block Health Officer,
Tholayarattam, Kanyakumari District.
- 6.The President,
Pallur Panchayat, Pootteti Post,
Kanyakumari District.
- 7.A.Anbalagan

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 6 to take appropriate action to close down the illegal and unauthorized hazardous carpentry unit of the 7th respondent from R.Sy.No.484/20A of Paloor Village, Killiyoor Taluk, Kanyakumari District within the time stipulated by this Court.

For Petitioner : Mr.M.R.Sreenivasan
For R1 to R5 : Mr.N.Satheesh Kumar,
Additional Government Pleader

ORDER

[Order of the Court was made by *D.KRISHNAKUMAR, J.*]

By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2.The petitioner states that the 7th respondent has constructed a house under the Free Green House Scheme with the aid of the Panchayat in R.Sy.No.4/76B, which is next to the house of the petitioner. Later, the 7th respondent started to convert the house into a Carpentry Unit without obtaining any permission from the authorities concerned. Therefore, the petitioner made a representation dated 23.06.2020 to the official respondents. On receipt of the same, the 2nd respondent sent a communication to the 6th respondent on



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31.07.2020 to take appropriate action against the 7th respondent. Since no action had been taken thereafter, the petitioner filed W.P.(MD)No.4899 of 2022. At the time of hearing the said petition, the 6th respondent herein produced a communication dated 12.08.2020, stating that the 7th respondent was advised to put up green net to prevent further spreading of dust. Based on the said communication, this Court disposed of the said Writ Petition vide order dated 30.08.2022. The petitioner's grievance is that the 6th respondent colluding with the 7th respondent has suppressed the real fact and submitted false report dated 12.08.2020. Therefore, the petitioner has constrained to move the present Writ Petition.

3.Mr.N.Satheesh Kumar, learned Additional Government Pleader, who takes notice on behalf of the respondents 1 to 5, submits that this Court in W.P.(MD)No.4899 of 2022, granted liberty to the petitioner to proceed further, if he is still aggrieved. However, the petitioner, without challenging the communication dated 12.08.2020, has filed fresh Writ Petition with the same prayer. Therefore, he prays dismissal of this Writ Petition.

4.In view of the said submissions made by both sides, we are of the view that though this Court in the earlier Writ Petition granted liberty to challenge the



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said communication dated 12.08.2020, the petitioner has filed the present Writ

Petition with the same prayer and therefore, the same cannot be entertained by this

Court. Hence, this Writ Petition stands dismissed. No costs.

[D.K.K., J.] & [R.V., J.]

05.02.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

Yuva

To

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