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W.P.(MD)NO.8559 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.8559 of 2024 AND

W.M.P.(MD)No.7793 of 2024

Subakar

... Petitioner

Vs.

1. The District Collector,
O/o.the Collectorate Building,
Tenkasi District.
2. The Revenue Divisional Officer,
O/o.the Revenue Divisional Officer,
Tenkasi District.
3. The Tahsildar,
O/o.the Tahsildar,
Sivagiri Taluk, Tenkasi District.
4. The Forest Range Officer,
Sivagiri Forest Range Office,
Sivagiri Taluk, Tenkasi District.
5. The Assistant Engineer,
Distribution,
TANGEDCO, Sivagiri Taluk,
Tenkasi District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 3rd respondent to Survey the petitioner's property in Survey No.194/1A measuring 0.585 hectares and Survey No.194/1B measuring 0.225 hectares, located at



Kattupunjai, Mammathiparumbu, Sivagiri Part - 2, Sivagiri Taluk, Tenkasi District and demarcate the line of radius of Eco-sensitive zone / Nellai Wildlife Sanctuary area consequently directing the Respondent No.1 to grant permission to run the business in the rest of petitioner's property area by considering petitioner's representation dated 08.03.2024 .

For Petitioner : Mr.D.S.Haroon Rasheed

For R-1 to R-4 : Mr.N.G.A.Natraj,
Government Advocate.

For R-5 : Mr.S.Deenadhayalan,
Standing counsel.

* * *

ORDER

Heard both sides.

2. The petitioner has been operating brick kiln unit. Since it is located within the prohibited distance from the Eco-Sensitive Zone, electricity connection was cut off. The authorities after conducting survey have come to the conclusion that the petitioner's unit is at a distance of 92 kms. from the sanctuary. The petitioner wants survey to be conducted again.



3. This in my view is a needless exercise. The survey results need not be impeached. Instead the petitioner can be permitted to locate his brick kiln unit beyond the prohibited distance.

4. The third respondent is directed to intimate in writing as to where the prohibited distance ends. Appropriate sketch shall be enclosed along with the said communication. The petitioner can very well locate his brick kiln and carry on his activities beyond that distance. Once the petitioner undertakes his willingness to do so, necessary permission shall be granted to the petitioner and the electricity supply shall also be restored. The entire exercise shall be completed by the third respondent within a period of four weeks from the date of receipt of a copy of this order. Upon the petitioner locating his brick kiln and carrying on his activities beyond that distance, electricity connection shall be restored within a period of eight weeks from the date of receipt of a copy of this order. This writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

04.04.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU



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To:

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O/o.the Collectorate Building,
Tenkasi District.
2. The Revenue Divisional Officer,
O/o.the Revenue Divisional Officer,
Tenkasi District.
3. The Tahsildar,
O/o.the Tahsildar, Sivagiri Taluk, Tenkasi District.
4. The Forest Range Officer,
Sivagiri Forest Ranage Office,
Sivagiri Taluk, Tenkasi District.
5. The Assistant Engineer,
Distribution, TANGEDCO, Sivagiri Taluk,
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WEB COPY



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G.R.SWAMINATHAN,J.

PMU

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