



W.P(MD)No.9581 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.12.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.9581 of 2024

Manonmani

... Petitioner

Vs

- 1.The District Collector,
Kanyakumari District,
Nagercoil.
- 2.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Water Tank Road, Nagercoil,
Kanyakumari District.
- 3.The Deputy Director,
District Health Director's Office,
Krishnancoil,
Nagercoil, Kanyakumari District.
- 4.The Executive Officer,
Edaicode Town Panchayat,
Edaicode Post,
Kanyakumari District.

5.S.Yabeth Raj

... Respondents

*(R – 5 is impleaded vide order dated 05.12.2024
made in W.M.P(MD)No.10491 of 2024)*

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the fourth respondent to consider the petitioner's representation dated 05.12.2023 seeking uninterrupted function of the petitioner's cement block



W.P(MD)No.9581 of 2024

manufacturing factory situated in Survey No.478/1B2,
Kambarakalavilai, Kuzhikalavilai, Edaicode Post, Kanyakumari
District.

For Petitioner : Mr.M.Dhinesh Kumar
For RR 1, 3 & 4 : Mr.D.Gandhi Raj
Special Government Pleader
For R – 2 : M/s.Madhuri Donti Reddy
For R – 5 : Mr.S.C.Herold Singh

ORDER

This Writ Petition has been filed by the petitioner for a
direction seeking uninterrupted function of the petitioner's cement
block manufacturing factory situated in Survey No.478/1B2,
Kambarakalavilai, Kuzhikalavilai, Edaicode Post, Kanyakumari
District.

2.Heard the learned counsel appearing on either side
and perused the materials placed before this Court.

3.The petitioner owned property comprised in Survey
No.478/1B2 to an extent of 11 cents situated at Kambarakalavilai,



W.P(MD)No.9581 of 2024

Kuzhikalavilai, Edaicode Post, Kanyakumari District. The petitioner sought for permission to run a cement block Industry in the name and style of 'S.M.Hollow Blocks' before the fourth respondent. On receipt of the same, the fourth respondent permitted the petitioner to run the business and also obtained permission from the Fire and Safety Divisional Officer. While being so, the fifth respondent lodged a complaint as against the petitioner's Industry on various allegations. However, it was not considered and as such, the fifth respondent filed a Writ Petition in W.P(MD)No.20044 of 2014 before this Court. This Court, by order dated 01.11.2017, directed the official respondents to consider the representation submitted by the fifth respondent and pass orders, after affording an opportunity of hearing to the parties.

4.On enquiry, the fourth respondent found that the petitioner is operating the unit without obtaining necessary permission from the Health Department and also the Tamil Nadu Pollution Control Board. Therefore, the fourth respondent passed the order and the same was challenged by the petitioner before this Court in W.P(MD)No.23876 of 2018. This Court by order dated 14.07.2023 closed the Writ Petition as infructuous, since already



W.P(MD)No.9581 of 2024

action has been taken as against the petitioner by the Tamil Nadu Pollution Control Board by the issuance of show cause notice. Thereafter, the petitioner submitted a representation before the Tamil Nadu Pollution Control Board and it is pending. As on 28.05.2024, the petitioner's unit was not in operation. However, the machineries provided were found to be in repairable condition. Therefore, the direction sought for in this Writ Petition cannot be granted without obtaining necessary permission from the Tamil Nadu Pollution Control Board as well as from the District Health Department.

5.In view of the above, this Writ Petition is devoid of merits and the same is liable to be dismissed. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs.

**05.12.2024
(1/2)**

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps



WEB COPY



W.P(MD)No.9581 of 2024

To

- 1.The District Collector,
Kanyakumari District,
Nagercoil.
- 2.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Water Tank Road, Nagercoil,
Kanyakumari District.
- 3.The Deputy Director,
District Health Director's Office,
Krishnancoil,
Nagercoil, Kanyakumari District.
- 4.The Executive Officer,
Edaicode Town Panchayat,
Edaicode Post,
Kanyakumari District.



WEB COPY



W.P(MD)No.9581 of 2024

G.K.ILANTHIRAIYAN, J.

ps

Order made in
W.P(MD)No.9581 of 2024

**05.12.2024
(1/2)**