



W.P.(MD)No.11678 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2024

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CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.11678 of 2021

and

W.M.P.(MD)Nos.11685, 9184 & 12270 of 2021 & 15519 of 2023

Anderson Xavier

: Petitioner

Vs.

1.The District Collector,
Nagercoil,
Kanniyakumari District.

2.The Deputy Director of Health Services,
Health and Family Welfare Department,
Nagercoil,
Kanyakumari District.

3.The Deputy Director of Fisheries,
Fisheries Department,
Nagercoil, Kanyakumari District.

4.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
No.318/46A, Water Tank Road,
Nagercoil,
Kanyakumari District – 629 001.



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5.The Sub-Collector,
Padmanabapuram,
Kanyakumari,
Kanyakumari District.

6.The Tahsildar,
Kiliyoor Taluk Office,
Kiliyoor,
Kanyakumari District.

7.The Block Development Officer,
The Block Development Office,
Moonjirai Town Panchayat Union,
Moonjirai,
Kanyakumari.

8.The President,
Thuthoor Village Panchayat,
Poothurai,
Kiliyoor Taluk,
Kanyakumari District.

9.J.Arul Geethan : Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents 4 to 8 to take appropriate legal actions against the ninth respondent and permanently close the fish processing and fish oil manufacturing unit situated at Survey No.306/1A, Poothurai



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Village, Killiyur Taluk, Kanniyakumari District within a stipulated time that may be fixed by this Court.

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For Petitioner : R.Karunanidhi
For Respondents 1,3, 5 to 8 : Mr.P.Thilak Kumar
Government Pleader
For Respondent No.4 : Mrs.P.Vijayakumari Natarajan
For Respondent No.9 : Mr.T.Lajapathi Roy
for M/s.Lajapathi Roy Associates

ORDER

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

The learned Counsel for the ninth respondent submitted that an undertaking affidavit has been filed before this Court, wherein in paragraph Nos.4 & 5, it has been stated as follows:

'4.That I had now shifted my fish processing unit in name of A.J. & Sons Salted Dry Fish to Chinnamuttom, Kanyakumari – 629 702. That presently the Fish Processing Unit is functioning in the aforesaid address with no hindrance to the environment. That I will not make use of the land owned by me in Re-Survey No.306/2 to an extent of 50 cents & Re-Survey No.306/1B3 to an extent of 3 cents situated at Ezhudesam-C, Thoothur Village, Thoothue Post, Kanyakumari District – 629 176 for any purpose relating to fish processing, storage or any other allied purposes.

5.That I hereby undertake that I will not run the Fish Processing Unit and involve in any other



allied activities in Re-Survey No.306/2 to an extent of 50 cents & Re-Survey No.306/1B3 to an extent of 3 cents situated at Ezhudesam-C, Thoothur Village, Thoothue Post, Kanyakumari District – 629 176.'

2.In the light of the above, this Writ Petition has become infructuous. However, it is open to the ninth respondent to make an application before the respondents 4, 6, 7 & 8, seeking for desealing the said premises. On such application being made, the same shall be considered by the official respondents.

3.Accordingly, this Writ Petition is dismissed as infructuous. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K.J.] & [R.V.J.]
19.03.2024

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



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ORDER MADE IN

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