



W.P(MD)No.12835 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 24.04.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.12835 of 2022

and

W.M.P(MD)Nos.9109 & 9110 of 2022

- 1.V.Pitchai
- 2.TVB Sridhar
- 3.P.Kamalakantharajan
- 4.S.Ponshekar
- 5.D.Muthuramalingam

... Petitioners

Vs.

- 1.The Special Officer,
“Ungal Thoguthiel Muthalamaichar” Department,
Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai - 600 009.
- 2.The District Collector,
Madurai District,
Madurai - 625 020.
- 3.The Assistant Director of Town Panchayats,
District Collectorate Complex,
Madurai - 625 020.
- 4.The Executive Officer,
Town Panchayat,
Paravai - 625 402,
Madurai District.



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5.D.Cowsalya

... Respondents

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Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing respondents 1 to 4 to take action based on the petitioner's representation dated 15.10.2021 and 22.04.2022 and remove the Lorry Work Shop cum Lorry shed located in Re-Survey Nos.157/4 & 5, 158/3 and 163/3 having corresponding UDR Nos.157/4A & 5A, 159/3A and 152/3A respectively in Paravai 1st Bit Village, Madurai North Taluk, Madurai District and disallow heavy vehicles meant for the industrial unit through the petitioners' residential area following statutory norms and ensure that due statutory procedures are followed in the matter of maintaining residential areas free from industries.

For Petitioners : Mr.R.Iyappan

For Respondents : Mr.N.G.A.Natraj
Government Advocate
for R.1 to R.4

Mr.S.Malaikani for R.5

ORDER

Heard both sides.

2.The petitioners allege that the fifth respondent is unauthorisedly using the petition mentioned site for non residential purposes.



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3.The learned counsel appearing for the petitioners would contend that the entire locality has been classified as " residential zone" . He also would allege that the residents are put to considerable nuisance.

4.The learned counsel appearing for the fifth respondent states that except parking the heavy vehicles, no other work is undertaken in the petition mentioned site.

5.In any event, materials on record are not sufficient for me to conclude that the activities of the fifth respondent poses health hazard or nuisance to others. If that be so, it is always open to the petitioners herein to approach the jurisdictional civil Court for abatement of nuisance.

6.With this liberty to the writ petitioners, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

24.04.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MGA



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G.R.SWAMINATHAN,J.

MGA

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