



W.P(MD).No.19173 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 08.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

**W.P(MD).No.19173 of 2024
and
W.M.P(MD).No.16227 of 2024**

A.N.Justin

... Petitioner

Vs.,

- 1.The District Collector,
Kanyakumari District,
at Nagercoil.
- 2.The Assistant Director of Panchayat,
Nagercoil, Kanyakumari District.
- 3.The Tahsildar,
Vilavancode Taluk,
Kanyakumari District.
- 4.The Village Administrative Officer,
Nalloor Village,
Kanyakumari District.
- 5.The Unnamalaikadai Panchayat,
Rep., by its Executive Officer,
Unnamalaikadai,
Kanyakumari District.
- 6.The President,
Unnamalaikadai Panchayat,



W.P(MD).No.19173 of 2024

Unnamalaikadai,
Kanyakumari District.

WEB COPY

7.The Inspector of Police,
Marthandam Police Station,
Marthandam, Kanyakumari District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to to direct the fifth respondent to permit the petitioner to run a whole sale fish market at the property of the petitioner comprised in Survey No. 443/13B2B1 of Nalloor Village, Kanyakumari District admeasuring 0.23.12 hectare by considering the representation of the petitioner dated 26.06.2024 within a time frame that may be fixed by this Court.

For Petitioner : Mr.SC.Herold Singh
For Respondents : Mr.D.Gandhiraj (for R1 to R4)
Special Government Pleader
Mr.M.Vaikkam Karunanidhi
Government Advocate (For R7)
Mr.K.S.Senvaganesan (for R5&R6)
Additional Government Pleader
Mr.M.P.Senthil (for implead party)

ORDER

The writ petition has been filed seeking for a writ of mandamus directing the fifth respondent to permit the petitioner to run a whole sale fish market at the property of the petitioner comprised in Survey No.443/13B2B1 of Nalloor Village, Kanyakumari District, admeasuring 0.23.12 hectare by considering the representation of the petitioner dated 26.06.2024.



W.P(MD).No.19173 of 2024

WEB COPY

2. Heard both sides.

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

4. It is the case of the petitioner that he is the owner of the property in Survey No.443/13B2B1 of Nalloor Village, Kanyakumari District and he proposed to have a fish market in the said property and in this regard, he gave a representation before the fifth respondent, but the same was not considered so far. Hence, he seeks direction of this Court.

5. The learned Special Government Pleader appearing for the official respondent submitted that the Health Inspector has given a report to the effect that if the fish market is permitted to have in the petitioner's property, which will cause health hazard to the nearby residence. Hence, he oppose the writ petition.

6. As the writ petition has been filed only to consider the representation of the petitioner, the fifth respondent is directed to consider the representation of the petitioner dated 26.06.2024 and pass orders, taking note of the report of the



W.P(MD).No.19173 of 2024

Health Inspector and also the objection of the nearby residents, within a period of one month from the date of receipt of a copy of this order.

7. With the above observation, the Writ Petition is disposed of. No costs.

Consequently, connected Miscellaneous Petition is closed.

08.08.2024

NCC : Yes/No
Index : Yes/No

Rmk

To

- 1.The District Collector,
Kanyakumari District,
at Nagercoil.
- 2.The Assistant Director of Panchayat,
Nagercoil, Kanyakumari District.
- 3.The Tahsildar,
Vilavancode Taluk,
Kanyakumari District.
- 4.The Village Administrative Officer,
Nalloor Village,
Kanyakumari District.
- 5.The Unnamalaikadai Panchayat,
Rep., by its Executive Officer,
Unnamalaikadai,
Kanyakumari District.

4/6



W.P(MD).No.19173 of 2024

6.The President,
Unnamalaikadai Panchayat,
Unnamalaikadai,
Kanyakumari District.

7.The Inspector of Police,
Marthandam Police Station,
Marthandam, Kanyakumari District.



WEB COPY



W.P(MD).No.19173 of 2024

N.SATHISH KUMAR, J.

Rmk

W.P(MD).No.19173 of 2024

08.08.2024