



W.P.(MD) No.25216 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

**W.P.(MD) No.25216 of 2018
and
W.M.P.(MD) No.5982 of 2019**

M.Muppidathi

... Petitioner

/vs./

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Commissioner,
Puliyankudi Municipality,
Puliyankudi,
Tirunelveli District.
- 3.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
No.30/2, SIDCO Campus,
Pettai, Tirunelveli District.
- 4.The Assistant Enforcement Engineer,
Handlooms (Reservation of Articles for
Production) Act,
21/9, Kakkan Street,
Shenoy Nagar, Madurai.



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5.The Executive Engineer,
Tamil Nadu Electricity Board,
(Distribution),
Kadaiyanallur,
Tirunelveli District.

6.S.Balasubramaniyan

7.Boominathan

8.Velayutham

9.Sundaraj

10.Ramachandran

11.Chinnaramasamy

12.Balachandran

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents Nos.1 to 5 to take action against the respondents No.6 to 12 for illegally operating their power loom between the prohibited time ie., 6pm to 6am based on the representation dated 22/11/2018.

For Petitioner : Mr.M.Maran

For R1 : Mr.G.Sivanu Pandian
Government Advocate

For R2 : Mr.M.Rajarajan



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For R3 : M/s.M.Sudharani
For R4 & R15 : No appearance
For R5 : Mr.S.Deenadhayalan
Standing Counsel
For R6 to R11 : Mr.FX.Eugene

ORDER

The writ petitioner has been filed for a Mandamus to direct the respondents 1 to 5 to take action against the respondents .6 to 12 for illegally operating their power loom between the prohibited time ie., 06.00 pm., and 06.00 am., based on the representation dated 22/11/2018.

2.The Writ Petition is opposed by the private respondents. It is submitted that the petitioner has wrongly approached the Court under Article 226 of the Constitution of India, inasmuch as the jurisdiction now lies with the National Green Tribunal and therefore, the Writ Petition is liable to be dismissed.

3.I have considered the arguments advanced by the learned counsel for the petitioner, learned Government Advocate for the first respondent, learned counsel



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for the second respondent, learned counsel for the third respondent, learned Standing Counsel for the fifth respondent and the learned counsel for the respondents 6 to 11.

4.The respondents 1 and 2 are directed to consider and pass appropriate orders on the representation of the petitioner dated 22.11.2018. If the petitioner is required to approach the National Green Tribunal, the petitioner may be directed to approach the National Green Tribunal.

5.With the above direction, the Writ Petition stands disposed of. No costs.

Index : Yes / No
Internet : Yes / No
mm

05.04.2024

To

The District Collector,
Tirunelveli District,
Tirunelveli.



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C.SARAVANAN, J.

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