



W.P.(MD) No.22884 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.22884 of 2018

Muppudathi

... Petitioner

/vs./

1.The District Collector,
Office of the District Collector,
Tirunelveli District.

2.The Commissioner,
Puliyangudi Municipality,
Puliyangudi,
Tirunelveli District.

3.Veeramani

4.Arumugavelu

5.S.Muppudathi

6.Muppudathi Raju

7.Paramasivam

8.Kuthalingam

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 and 2 to shift the business place of the respondents 3 to 8 from the existing place i.e. Agasteeiar Kovil Street, Chinthamani to outside the residential area on the basis of petitioner representation dated 30.10.2018.

For Petitioner : Mr.K.Prabhu

For R1 : Mr.S.P.Maharajan
Special Government Pleader

For R2 : Mr.M.Rajarajan

For R3 to R5, R7
& R8 : Mr.F.X.Eugene

For R6 : No appearance

ORDER

The writ petitioner has been filed for a Mandamus to direct the respondents 1 and 2 to shift the business place of the respondents 3 to 8 from the existing place ie., Agasteeiar Kovil Street, Chinthamani to outside the residential area, on the basis of petitioner representation dated 30.10.2018.



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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 Special Government Pleader for the first respondent, learned counsel for the second respondent and the learned counsel for the respondents 3 to 5 and 7 and 8.

4.The respondents 1 and 2 are directed to consider and pass appropriate orders on the representations of the petitioner dated 25.09.2018 and 30.10.2018. If the petitioner has to approach the National Green Tribunal, the petitioner may be directed to approach the National Green Tribunal.



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

Index : Yes / No
Internet : Yes / No
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05.04.2024

To

The District Collector,
Office of the District Collector,
Tirunelveli District.



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C.SARAVANAN, J.

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