



W.P(MD)No.21088 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2024

CORAM :

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR**

**W.P(MD)No.21088 of 2018
and
W.M.P(MD)No.18883 of 2018**

R.Viju

... Petitioner

Vs.

1.The Principal Secretary

Public Works Department,
Fort.St.George,
Chennai – 9.

2.The Principal Secretary

Revenue and Disaster Management Department,
Government of Tamilnadu,
Fort St.George,
Chennai – 9.

3.The Principal Secretary

Animal Husbandry, Dairying and Fisheries Department,
Government of Tamilnadu,
Fort St. George,
Chennai – 9.



W.P(MD)No.21088 of 2018

4.The District Collector
Kanyakumari District,
Nagercoil.

5.The District Environmental Engineer,
Tamilnadu Pollution Control Board,
No.318/46A, Water Tank Road,
Nagercoil,
Kanyakumari District - 629 001.

6.The Special Officer / Block Development Officer,
Painkulam Village / Panchayat,
Painkulam,
Villavancode Taluk,
Kanyakumari District.

7.P.Robert Broose

8.T.Vincy

9.P.G.Sacretees Bose

10.Anandharajan

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 1 to 6 to construct a culvert across the Thamiraparani river mouth at Thengapattinam Fishing Harbour and not allow the respondents 7 to



W.P(MD)No.21088 of 2018

10 to spoil the agricultural lands by converting it as industrial area in the village at Parakkani, Vilavancode Taluk, Kanyakumari District, based on the petitioner's representation, dated 18.08.2018.

For Petitioner : Mr.Ananth C.Rajesh

For Respondents : Mr.T.Amjad Khan - for R1 to R6

Government Advocate

Mr.M.R.Sreenivasan – for R7

Mr.J.Thomas Rajadurai – for R8

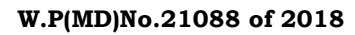
Mr.C.K.M.Appaji – for R10

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

The Writ Petition is filed in the year 2018. The directions were sought against the respondent No.1 to 6 to construct a culvert across the Thamiraparani River mouth at Thengapattinam Fishing Harbour. The further prayer is made seeking direction against the respondent Nos.7 to 10 not to spoil the agricultural lands by converting it as industrial area.

2. The learned Government Advocate submits that the Check Dam was constructed for a length of 130 meter across



3. It is the contention of the learned counsel for the respondent No.8 that the respondent No.8 is running an ice plant after obtaining necessary approval and it is not only the present respondent, but there are many ice plants functioning in the said area.

5. The Writ Petition is filed seeking construction of a culvert. However, the respondent Nos.1 to 6 had constructed the Check Dam and the same was completed on 04.06.2022.

6. The respondent authorities may survey the present position and if the Check Dam, as contended by the petitioner, is washed away, then, shall take appropriate steps expeditiously.



W.P(MD)No.21088 of 2018

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7. The respondents 7 to 10 are running the ice plants. They can run the ice plants only if they obtain necessary permission and approval from the authorities. It is for the authorities to consider whether necessary permissions are obtained.

8. Accordingly, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[S.V.G., C.J.]

[M.S.K., J.]

01.03.2024

Index : Yes / No
Neutral Citation : Yes / No
RM



W.P(MD)No.21088 of 2018

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W.P(MD)No.21088 of 2018

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W.P(MD)No.21088 of 2018

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