



W.A(MD)No.397 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.03.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.A(MD)No.397 of 2024
and
C.M.P(MD)No.3538 of 2024**

1.C.Sekaran
2.C.Panki Raj
3.Prathesh
4.K.Ravi

... Appellants/Third Parties

vs.

1.D.Valarmathi

... 1st Respondent/
Writ Petitioner

2.The Chief Engineer,
Public Works Department,
Water Research Organization,
State Ground and Surface Water
Resources Data Centre,
Taramani, Chennai-113.

3.The District Collector,
Kanyakumari District,
Collectorate, Nagercoil.

4.The District Environmental Engineer,
Pollution Control Board,
No.49, Ambrose Street,
Nagercoil, Kanyakumari District - 629 001.

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5.The Block Development Officer (Village Panchayats),
Munchirai Pachayat Union,
Puthukadai post,
Kanyakumari District.

6.The President,
Painkulam Village Panchayat,
Painkulam post - 629 173,
Kanyakumari District.

... Respondents 2 to 6/
Respondents 1 to 5

PRAYER : Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 15.06.2023 passed in W.P(MD)No.16160 of 2022, on the file of this Court.

For Appellant	: Mr.M.Saravanan
For Respondent No.1	: Mr.S.P.Maharajan Special Government Pleader
For Respondent Nos.2, 3 & 5	: Mr.S.P.Maharajan Special Government Pleader
For Respondent No.4	: Ms.Vijayakumari Natarajan Standing Counsel
For Respondent No.6	: Mr.V.H.S.Prathap

JUDGMENT

(Judgment of the Court was made by D. KRISHNAKUMAR, J.)

Assailing the order, dated 15.06.2023 passed by the learned Single Judge in W.P(MD)No.16160 of 2022, this Writ Appeal has been filed by the appellants / third parties.



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2.The first respondent/writ petitioner has filed the Writ Petition in W.P(MD)No.16160 of 2022 to quash the order passed by the sixth respondent herein.

3.The learned Single Judge, by order, dated 15.06.2023, passed the following order:

'4. In view of the fact that the order appears to have been passed owing to extraneous circumstances, the impugned order is set aside and so that peace may reign in the area, a direction is given to the fourth respondent, Block Development Officer, Village Panchayat, Moonjirai Panchayat Union, Pudukkadai Kanyakumari District, to re-examine the entire issue and pass necessary orders. The petitioner may be issued with notice and on issuance of notice, the petitioner may appear before the fourth respondent, produce the no objection certificates issued by all the other authorities and thereafter the fourth respondent may issue appropriate proceedings within a period of eight (8) weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition stands closed.'

4.Challenging the same, the appellants/third parties have filed the present Writ Appeal on the ground that the fifth respondent/the Block



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Development Officer has no jurisdiction to pass an order in the application filed for NOC/license for extraction of ground water in Tamil Nadu under G.O.Ms.No.142, Public Works Department, dated 23.07.2014.

5.The learned counsel appearing for the first respondent/writ petitioner would submit that pursuant to the direction issued by this Court in W.P(MD)No.16160 of 2022, the fifth respondent/the Block Development Officer has conducted enquiry and rejected the request made by the first respondent/writ petitioner to start an ice plant on the ground that Panchayat Council is the competent authority for grant of such permission. for commencement of industrial activities in Villages. Challenging the same, the first respondent/writ petitioner has filed another Writ Petition in W.P(MD)No.4467 of 2024 and the same is pending disposal.

6.Considering the submissions made by the parties, we are of the view that the appellants have filed this Writ appeal against the order passed by the learned Single Judge, who has passed the order setting aside the order passed by the Panchayat President and remanding the matter back to the Block Development Officer for fresh consideration. Subsequently, pursuant to the said direction, the Block Development Officer has conducted



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an enquiry and rejected the request made by the first respondent/writ petitioner on the ground of jurisdiction and as on date, no order has been passed in favour of the first respondent/writ petitioner. Furthermore, the appellants are not parties in the subsequent Writ Petition filed by the first respondent challenging the order of rejection passed by the Block Development Officer. Therefore, if the appellants have any *locus standi*, they can agitate the same before the appropriate forum and raise all the grounds available to them, including the ground of jurisdiction.

7. With the above liberty, this Writ Appeal is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K.,J.] [R.V.,J.]
14.03.2024

NCC : Yes / No
Index : Yes / No
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To

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ORDER MADE IN
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