



W.P.(MD)No.1805 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

and

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.1805 of 2025

and

W.M.P.(MD)No.1290 of 2025

K.Bahuleyan Nair

: Petitioner

Vs.

1.The Tamil Nadu Pollution Control Board,
Rep. by its Chairperson,
No.76, Anna Salai,
Guindy,
Chennai – 600 032.

2.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
318/46A, Water Tank Road,
Nagercoil – 629 001,
Kanyakumari District.

3.The District Collector,
O/o. The District Collector,



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WEB COPY Nagercoil,
Kanyakumari District.

4.The Block Development Officer,
Melpuram Panchayat Union,
Melpuram,
Kanyakumari District.

5.The Deputy Director of Health Services,
Department of Health and Family Welfare,,
Krishnankovil,
Nagercoil,
Kanyakumari District.

6.Bindu G.Nair : Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents 1 to 5 to take appropriate action for removing the Industrial Unit and Smoke House established for manufacturing and drying the rubber sheet by the 6th respondent in Door No.872 A, Mele Naduvatharathuvilai, Vellamcode, Chitharal Post, Vilavangode Taluk, Kanyakumari District in pursuance of the proceedings issued by the second respondent in கடித எண்.கோ – தொடு

06 (207)/2020 நாள்: 29.09.2020 and கடித எண்.கோ – தொடு 06



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(207)/2020 நாள்: 10.11.2020 and கடித எண்.கோ-தொடு 06

(207)/20)இ 101/2021 நாள்: 30.04.2021 and proceedings of the 4th

respondent vide No.அ11/2627/2024 நாள்: 28.11.2024.

For Petitioner : Mr.D.Shanmugaraja Sethupathi

For Respondents 1 to 5 : Mr.P.Thilak Kumar

Government Pleader

ORDER

[Order of the Court was made by **M.S.RAMESH, J.**]

By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.

2.This writ petition has been filed for a Mandamus to direct the respondents 1 to 5 to take appropriate action for removing the Industrial Unit and Smoke House established for manufacturing and drying the rubber sheet by the 6th respondent in Door No.872 A, Mele Naduvatharathuvilai, Vellamcode, Chitharal Post, Vilavangode Taluk, Kanyakumari District in pursuance of the proceedings issued by the second respondent in கடித எண்.கோ-தொடு 06 (207)/2020 நாள்: 29.09.2020 and கடித எண்.கோ-தொடு 06 (207)/2020 நாள்: 10.11.2020 and கடித எண்.கோ-தொடு 06 (207)/20)இ 101/2021



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நாள்: 30.04.2021 and proceedings of the 4th respondent vide

No. 11/2627/2024 நாள்: 28.11.2024.

3.Since this Court is directing the respondents 1 & 2 to consider the petitioner's representation, after giving due opportunity to the private respondent herein, notice to the private respondent is hereby dispensed with.

4.The petitioner herein had given representation to the official respondents on 16.12.2024, in this regard. Since the said representation was not considered, the present writ petition has been filed.

5.It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of the India and direct them to consider the same within a stipulated time.



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6.In the light of the above observations, there shall be a direction to the respondents 1 & 2 to consider the petitioner's representation dated 16.12.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner herein and the sixth respondent, as well as all other persons, who may be interested in the subject property, within a period of three [3] months from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the concerned respondents to consider the same on its own merits.

7.With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

[M.S.R.,J.] & [A.D.M.C.,J.]

23.01.2025

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



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M.S.RAMESH, J.

and

A.D.MARIA CLETE, J.

MR

ORDER MADE IN

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