



W.P.(MD)No.4215 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

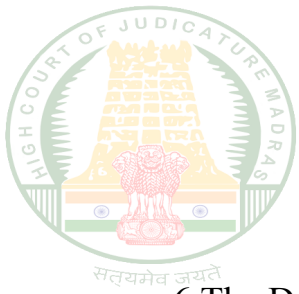
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Mariathangam

... Petitioner

-VS-

- 1.The District Collector,
Kanniyakumari District at Nagercoil.
- 2.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
No.318/46a, Water Tank Road,
Nagercoil and Post,
Agasteeswaram Taluk,
Kanniyakumari District.
- 3.The Tahsildar,
Kalkulam Taluk,
Thuckalay,
Kanniyakumari District.
- 4.The Assistant Director,
Town Panchayat, Collectorate,
Nagercoil,
Kanniyakumari District.
- 5.The Executive Officer,
Neyyoor Town Panchayat, Neyyoor - 629 802,
Kanniyakumari District.



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6.The Deputy Director of Health Services,
Krishnancoil Road,
Mela Theru Karai,
Nagercoil, Kanniyakumari District.

7.The Block Health Supervisor,
Govt. Primary Health Centre, Kothanalur,
Kanniyakumari District.

8.P.Moses Anand

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1, 4 and 5 to take proper and due action as against the Saw Mill of the eighth respondent, which is situate at Survey Nos.51/22, 51/23 (D.No.1-298/2 and 3) Lakshmipuram Village, Kalkulam Taluk, Kanniyakumari District and thereby considering the complaint of the petitioner, dated 23.12.2024, within a time frame as may be fixed by this Court, by allowing the present writ petition.

For Petitioner : Mr.G.Aravinthan
for M/s.Aran Legal Consultancy

For R1 to R4, R6 and R7 : Mr.J.K.Jayaselan
Government Advocate

For R5 : Mr.C.Satheesh
Government Advocate



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ORDER

This Writ Petition has been filed seeking a direction to the respondents 1, 4 and 5 to take proper and due action as against the Saw Mill of the eighth respondent, situated at Survey Nos.51/22, 51/23 (D.No.1-298/2 and 3) Lakshmipuram Village, Kalkulam Taluk, Kanniyakumari District, by considering the complaint of the petitioner, dated 23.12.2024.

2. With the consent of both sides, this Writ Petition is disposed of, at the admission stage itself.

3. Since no adverse orders are going to be passed against the eighth respondent, notice to the eighth respondent is hereby dispensed with.

4. The petitioner submits that the eighth respondent is operating a sawmill in a residential area without proper permission from the appropriate government authorities. The sawmill causes air pollution. Hence, the petitioner filed a complaint with the first respondent on 23.12.2024; however, no action has been taken by the officials so far. Therefore, the present writ petition has been filed.



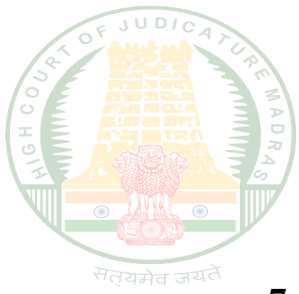
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5. Heard the learned counsel appearing for the parties.

6. 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 India and direct them to consider the same within a stipulated time.

6. In the light of the above observations, there shall be a direction to the respondents 1, 4 and 5 herein to consider the petitioner's representation dated 23.12.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, the eighth respondent, as well as all other persons, who may be interested in the subject matter, within a period of four weeks from the date of receipt of a copy of this order. It is also 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 respondents 1, 4 and 5 to consider the same on its own merits.



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7. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

NCC : Yes / No

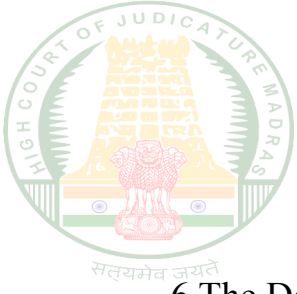
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Index : Yes / No

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