



W.P.(MD)No.25435 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 02.04.2025

CORAM:

THE HON'BLE MRS JUSTICE J. NISHA BANU

AND

THE HON'BLE MRS JUSTICE S.SRIMATHY

W.P.(MD)No.25435 of 2022

and

W.M.P.(MD)No.19535 of 2022 and 7818 of 2023

P.Sivasankaran Nari

...Petitioner

-Vs-

- 1.The Principal Secretary to Government,
Department of Health & Family Welfare,
Secretariat, St.George Fort,
Chennai-600 009.
- 2.The Chief Engineer,
State Ground and Surface Water Resources Department,
Tharamani, Chennai-600 113.
- 3.The Principal Secretary/Chairman,
Tamil Nadu Pollution Control Board,
No.70, Mount Salai, Guindy, Chennai-32.
- 4.The District Collector,
Nagercoil, Kanayakumari District.
- 5.The Deputy Director of Health Services,
Department of Health and Family Welfare,
Nagercoil, Kanyakumari District.



W.P.(MD)No.25435 of 2022

- 6.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Nagercoil, Kanyakumari District.
- 7.The Revenue Divisional officer,
RDO Office, Thuckalay.
- 8.The Block Development Officer/Commissioner,
Munchirai Panchayat Union,
Muncirai & Post,
Vilavancode Taluk,
Kanyakumari District.
- 9.The Panchayat President,
Munchirai Village Panchayat,
Munchirai & Post,
Vilavancode Taluk,
Kanyakumari District.
- 10.Jesus Ice Plant,
Rep by its Owner,
Mr.Shajan,
Konnara Thekkunthala Puthuval,
8th Ward-Munchirai Village Panchayat,
Munchirai & Post,
Kanyakumari District.
- 11.The Special Officer,
Munchirai Village Panchayat,
Munchirai Panchayat Union,
Kanyakumari District.

...Respondents

PRAYER:Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondents 8, 9 & 11 to lock and seal the unauthorized construction of M/s.Jesus Ice Plant in Re-Survey No.514/14B1 of Munchirai Village, Vilavancode Taluk, Kanyakumari



W.P.(MD)No.25435 of 2022

District, which is under construction without due permission from the 4th, 8th, 9th & 11th respondents for the benefit of the people of Munchirai Village Panchayat.

For Petitioner : Mr.J.Shakila
For RR1, 2, 4, 5
& 7 to 9 : Mr.P.Thilak Kumar
Government Pleader
For R3 : Ms.Maduri Donti Reddy
For R6 : Mrs.Vijayakumari Natarajan
For R10 : Mr.V.Sasikumar

ORDER

(Order of the Court was made by **J.NISHA BANU, J.**)

This writ petition is filed seeking a direction to the respondents 8, 9 and 11 to lock and seal the unauthorized construction in the petition mentioned property.

2.It is brought to the notice of this Court that the writ petitioner died. It is also reported that an application is filed seeking to substitute the petitioner.

3.It is a settled position that in Public Interest Litigation (PIL), substitution of a petitioner is generally not permissible. This is because PIL is designed to address issues of public importance and should not be used as a substitute for ordinary litigation by individuals or groups with personal interests.



W.P.(MD)No.25435 of 2022

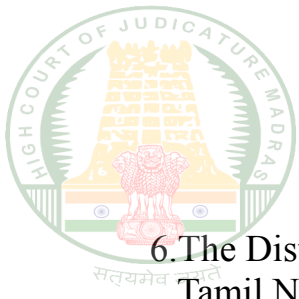
WEB COPY 4. In view of the above, this writ petition is dismissed. If the petitioner in the substitution petition is aggrieved, it is always open to him to file a fresh writ petition. No costs. Consequently, connected miscellaneous petitions are closed.

(J.N.B.,J.) (S.S.Y.,J.)
02.04.2025

Index: Yes/No
Internet : Yes/No
ta

To

1. The Principal Secretary to Government,
Department of Health & Family Welfare,
Secretariat, St. George Fort,
Chennai-600 009.
2. The Chief Engineer,
State Ground and Surface Water Resources Department,
Tharamani, Chennai-600 113.
3. The Principal Secretary/Chairman,
Tamil Nadu Pollution Control Board,
No.70, Mount Salai, Guindy, Chennai-32.
4. The District Collector,
Nagercoil,
Kanyakumari District.
5. The Deputy Director of Health Services,
Department of Health and Family Welfare,
Nagercoil, Kanyakumari District.



W.P.(MD)No.25435 of 2022

6.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Nagercoil, Kanyakumari District.

7.The Revenue Divisional officer,
RDO Office, Thuckalay.

8.The Block Development Officer/Commissioner,
Munchirai Panchayat Union,
Muncirai & Post,
Vilavancode Taluk,
Kanyakumari District.



WEB COPY



W.P.(MD)No.25435 of 2022

J. NISHA BANU,J.
and
S.SRIMATHY.J

ta

W.P.(MD)No.25435 of 2022

02.04.2025