



WEB COPY

W.P.(MD) No.25493 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.08.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

W.P.(MD) No.25493 of 2024

and

W.M.P.(MD) No.21628 of 2024

T.Devadas

... Petitioner

-VS-

1.The District Collector
District Collector Office
Nagercoil, Kanyakumari District

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

3.The Block Development Officer
Munjirai Panchayat Union
Munjirai, Kanyakumari District

4.The President
Painkulam
Kanyakumari District

5.Satheesh Rajan

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus forbearing the respondents 1 to 4 from granting any permission to the fifth respondent to run any automobile service station in land in S.No.421/11A and 421/11B, situated in Painkulam Village, Valvankodu Taluk, Kanyakumari District, measuring to an extent of 58 cents, by considering the petitioner's representation dated 21.06.2024.

For Petitioner : Mr.K.Jeyamohan

For Respondents : Mr.P.Thilakkumar
Government Pleader for R1, R3 & R4
Ms.Madhuri Donti Reddy for R2
Mr.Isaac Mohanlal, Senior Counsel
for Mr.M.R.Sreenivasan for R5

ORDER

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

The writ on hand has been instituted forbearing the respondents 1 to 4 from granting any permission to the fifth respondent to run any automobile service station in land in S.Nos.421/11A and 421/11B, situated in Painkulam Village, Valvankodu Taluk, Kanyakumari District, measuring to an extent of 58 cents, by considering the petitioner's representation dated



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21.06.2024.

2. Learned counsel for the petitioner would submit that the subject area is a residential area and granting permission to the fifth respondent to run an automobile service station in the subject area would affect the normal life of the residents of the locality. Thus, the residents of the locality raised objections for establishment of an automobile service station in the subject place. Since the objections have not been considered by the authority concerned, the present writ petition came to be filed.

3. Learned Standing Counsel appearing for the Tamil nadu Pollution Control Board / second respondent submitted that no consent has been granted to the fifth respondent so far to run an automobile service station in the subject place. The subject place was inspected by the officers of the Tamil Nadu Pollution Control Board on 15.02.2025, based on the application of the fifth respondent. Since no consent has been given by the Tamil Nadu Pollution Control Board, operation of the automobile service station has not been commenced.

4. Learned Senior Counsel appearing for the fifth respondent



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would submit that the subject place is a commercial area and not a residential area.

5. However, the authorities concerned have to verify as to whether the subject place is a residential area or a commercial area before taking a final decision into the objections given by the residents of the locality.

6. Learned Government Pleader appearing for the respondents 1, 3 & 4 submitted that permission to run automobile service station has not been granted so far, however, building alone has been constructed by the fifth respondent.

7. This being the factum, the official respondents are directed to verify the entire facts, classification of the subject area as to whether it is a residential area or commercial area, consider the objections of the residents of the locality, explanation of the fifth respondent and take a final decision on this issue as expeditiously as possible.

8. With the above observation, this writ petition is disposed of. No



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costs. Consequently, connected miscellaneous petition is closed.

[S.M.S., J.]

[G.A.M., J.]

14.08.2025

(3/3)

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

- 1.The District Collector,
District Collector Office,
Nagercoil,
Kanyakumari District.
- 2.The Block Development Officer,
Munjirai Panchayat Union,
Munjirai, Kanyakumari District.
- 3.The President,
Painkulam,
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