



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 20.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.23483 of 2017

and

W.M.P(MD)No.19746 of 2017

A.Mohammed Ismail Vajeer

... Petitioner

Vs.

1.The Commissioner,
Tenkasi Municipality,
Tenkasi, Tirunelveli District.

2.The Sanitary Inspector,
Tenkasi Municipality,
Tenkasi, Tirunelveli District.

3.The Sanitary / Health Officer,
Tenkasi Municipality,
Tenkasi, Tirunelveli District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for records connected with the 1st respondent impugned notice of the 1st respondent in Na.Ka.No.2487/2017 dated 02.11.17, and quash the same.

For Petitioner	: Mr.H.Arumugam
For Respondents	: Mr.T.S.Mohamed Mohideen, Additional Government Pleader

O R D E R

This writ petition has been filed challenging the impugned order of the first respondent in Na.Ka.No.2487/2017 dated 02.11.2017.

2. By consent, the writ petition is taken up for final disposal at the admission stage itself. Mr.T.S.Mohamed Mohideen, learned Additional Government Pleader, takes notice for the respondents.

3. The petitioner, who is engaged in the business of polishing imitation/covering jewellery, is before this Court and according to him, he is doing this business without using any machinery or dye chemicals, after registering with Department of Industries and Commerce, Government of Tamil Nadu. Whereas, the present impugned notice dated 02.11.2017, came to be issued, directing the petitioner to stop the business, as if, without any licence, he is doing electroplating covering and is also using dye chemicals, which is



harmful to the public. Aggrieved over the same, he is before this Court.

4. When the matter is taken up for hearing, the learned Counsel for the petitioner submitted that without affording an opportunity, to put forth his case, the first respondent has issued the present impugned notice. It is further submitted that showing his objections, the petitioner has submitted a detailed reply dated 14.11.2017, both on facts and on legality, to the notice dated 02.11.2017 and it would suffice, if the same is considered, by the authorities, on merits.

5. Considering the facts and circumstances of the case and also the limited scope of the relief sought for, this Court, while declining to interfere with the impugned notice, without expressing any opinion on the merits of the matter, directs the first respondent to consider the objections of the petitioner dated 14.11.2017 and pass appropriate orders, on merits and in accordance with law, after affording due opportunity of hearing to the petitioner as well as all the other interested parties, if any, within a period of two weeks from the date of receipt of a copy of this order. Till such time, the respondents are directed not to take any coercive steps against the petitioner.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To

1.The Commissioner,
Tenkasi Municipality,
Tenkasi, Tirunelveli District.

2.The Sanitary Inspector,
Tenkasi Municipality,
Tenkasi, Tirunelveli District.

3.The Sanitary / Health Officer,
Tenkasi Municipality,
Tenkasi, Tirunelveli District.

+1cc to Mr.H.ARUMUGAM,Advocate,SR. 94038

W.P(MD)No.23483 of 2017
20.12.2017

GK

KK/KKR/SAR 4/09.01.2018/ 2P- 5C/