



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. (MD) No.17756 of 2016

and

W.M.P (MD) No.12802 of 2016

M.Peer Mohamed

... Petitioner

Vs.

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The Sub Collector,
Cheranmahadevi,
Tirunelveli District.
3. The Tahsildar,
Ambasamudram,
Tirunelveli District.
4. The Block Development Officer,
Ambasamudram Panchayat Union,
Tirunelveli District.
5. The President,
Pottalpudur Village Panchayat,
Pottalpudur,
Ambasamudram Panchayat Union,
Tirunelveli District.
6. The Block Development Officer,
Kadayam Panchayat Union,
Tirunelveli District.

... Respondents

R6 is impleaded vide order dated
25.07.2017 in W.M.P. (MD) No.14780/2016

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to forbear the respondents from taking any coercive steps to close down the petitioner confectionary manufacturing business at Library Street, Pottalpudur, Ambasamudram



Taluk, Tirunelveli District, without following the due process of law.

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For Petitioner : Mr.M.Mohamed Sherbudeen

For Respondents : Mr.S.Kumar,
Additional Government Pleader
for R.1 to R.4
Mr.K.Velmurugan, for R.5

ORDER

This writ petition has been filed by the petitioner, seeking a writ of Mandamus, to forbear the respondents from taking any steps to close down his business unit at Library Street, Pottalpur, Ambasamudram Taluk, Tirunelveli District.

2.The case of the petitioner is that he was engaged in the business of selling sweets, registered with the Food Safety and Standards Authority of India and he was having a sweet manufacturing and storing unit in Library Street, Pottalpur, since 2011. While so, based on a false complaint given by some third party that the drainage water effluent and smoke from his premises causes pollution, the fourth respondent herein, by letter dated 07.09.2016, directed the petitioner to make necessary arrangement to regulate the effluent and smoke which were releasing from his premises. Pursuant to the same, the petitioner herein paid Rs.1000/- (Rupees one thousand only) to the fifth respondent for the purpose of making a separate drainage. The fifth respondent failed to do the same and in the meanwhile, the fourth respondent inspected the petitioner's premises and directed him to comply with his letter dated 07.09.2016. Aggrieved by which, the petitioner is before this Court stating that there is a threat to his business.

3.Heard the learned counsel appearing on all sides.

4.A perusal of the typed set of papers filed in support of the petition reveals that by letter dated 07.09.2016, the fourth respondent directed the petitioner to take immediate steps to remove the garbage as well as other wastages forthwith from his godown. Such communication cannot be treated as a threat for the business operation of the petitioner.

5.Under such circumstances, this Court directs the petitioner to take immediate steps, as directed by the fourth respondent in his communication dated 07.09.2016, within a period of four weeks from the date of receipt of a copy of this order, failing which, it is always open to the respondents to take appropriate action, in accordance with law.



6. With the above direction, this writ petition is disposed of. No Costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-
Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
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Tirunelveli.
2. The Sub Collector,
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Tirunelveli District.
3. The Tahsildar,
Ambasamudram,
Tirunelveli District.
4. The Block Development Officer,
Ambasamudram Panchayat Union,
Tirunelveli District.
5. The Block Development Officer,
Kadayam Panchayat Union,
Tirunelveli District.

+ 1 CC TO Mr.M.MOHAMED SHERBUDEEN, ADVOCATE IN SR No. 69439
+ 1 CC TO Mr.R.VELMURUGAN, ADVOCATE IN SR No. 69594

GK

TE/MR-KKR/SAR-IV : 11/08/2017 : 3P/8C

W.P. (MD) No. 17756 of 2016 and
W.M.P (MD) No. 12802 of 2016
02.08.2017