



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:01.03.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P. (MD) No.5244 of 2016

and

W.M.P (MD) Nos.4695 & 4696 of 2016

T. Janakiammal,

... Petitioner

Vs.

1. The commissioner,
Radhapuram panchayat Union,
Tirunelveli District.

2. The Inspector of police,
Kudankulam Police Station,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of certiorari to call for the records pertaining to the impugned Order in A2/2761/2014 dated 15.02.2016 on the file of the Respondent No. 1 and quash the same.

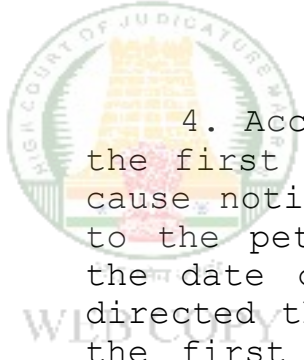
For Petitioner : Mr.T. Lajapathi Roy
For R-1 : Mr. D.Muruganandham ,
Additional Govt. pleader
For R-2 : Mr. A. Muthukaruppan
Additional Govt. Pleader

O R D E R

The petitioner is aggrieved against the communication, dated 15.02.2016, issued by the first respondent wherein and whereby the petitioner was directed to stop operating certain machineries at her Flour Mill, which according to the first respondent, were without getting permission from the panchayat union.

2. The learned counsel appearing for the petitioner submits that before passing the said order, the petitioner was not put on notice so as to enable her to give explanation.

3. Perusal of the impugned order would show that the same came to be passed without affording an opportunity of hearing to the petitioner. Therefore, this Court is of the view that the petitioner should be given an opportunity to put forth her case.



4. Accordingly, this Writ Petition is disposed of by directing the first respondent to treat the impugned proceedings as a show-cause notice issued to the petitioner and with further direction to the petitioner to give her explanation within two weeks from the date of receipt of a copy of this order. It is further directed that on receipt of such explanation from the petitioner, the first respondent shall pass orders afresh on merits and in accordance with law, after giving personal hearing to the petitioner as well. Such exercise shall be done by the first respondent within a period of four weeks from the date of receipt of a copy of such explanation. No Costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-III)

/TRUE COPY/

Sub Assistant Registrar

To

1. The commissioner,
Radhapuram panchayat Union,
Tirunelveli District.

2. The Inspector of police,
Kudankulam Police Station
Tirunelveli District.

+1 cc to MR.T.Lajapathi Roy, ADVOCATE, SR NO: 11906

+1 CC to M/S.SPL.GOV.T.PLEADER, SR NO: 11621

W.P. (MD) No.5244 of 2016

01.03.2017

pm

MS-SV-MMS/13.3.2017/2P-5C