

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 04.12.2018

CORAM
THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.27276 of 2018 and
WMP.No.31727 of 2018

Jass RO System,
Rep. by its Partner S.Rajan,
S.No.54/1A1B, K.K.Puthur, Kinar Village,
Karunguzhi, Maduranthagam Taluk,
Kancheepuram District.

...Petitioner

..Vs..

1.The District Revenue Officer,
Kancheepuram, Kancheepuram District.

2.The Tahsildar,
Maduranthagam Taluk,
Kancheepuram District.

3.The Village Administrative Officer,
No.148, Kinar Grammam,
Maduranthagam Taluk,
Kancheepuram District.

4.The Special Officer,
Block Development Officer (KP)
Kinar Village Panchayath,
Madurantagam Panchayat Union,
Madurantagam,
Kancheepuram District.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the second respondent by the proceedings dated 17.09.2018 and quash the same is issued without following due process of law and contrary to the letter of no objection given to the petitioner vide proceedings in R.C.No.1604/2018/A1 dated 22.02.2018 given by the second respondent.

For Petitioner : Mr.A.Kumar

For Respondents: Mr.N.Inbanathan
Additional Government Pleader
for R1 to R3
: Mr.V.Jayaprakash Narayanan
for R4

O R D E R

This Writ Petition has been filed challenging the order of the second respondent dated 17.09.2018 and to quash the same, since the same is issued without following due process of law and contrary to the letter of no objection given to the petitioner vide proceedings in R.C.No.1604/2018/A1 dated 22.02.2018 given by the second respondent.

2. It is the case of the petitioner that he is the owner of 0.97 cents comprised in Survey No.54/1A1A and 54/1A1B, at Veeranam Road, Kinar Village, Mdurantham Taluk, Kancheepuram District; out of the said extent, the petitioner put up one M/s.Jass RO system in Survey No.54/1A1B. The petitioner have applied to Registrar Office Trade Mark to register the said RO as Jass RO system and also obtained necessary permission to run the RO plant from the authorities concerned. The petitioner has also obtained No Objection certificate to start the Jass RO system in his own land from the concerned authorities and only after getting the above said NOC from the relevant authorities, the petitioner started necessary construction of the building for running the Jass RO system in the said land. When that building raised upto lintel level, there was a threat and demand of money by one resident of the Kinar village viz., Mr.Pastor, who is the influential person in the said area. It is his further case that 27.05.2018, there was a fire accident in the premises. After giving the police complaint, the petitioner had restarted the construction. In the meanwhile, the impugned order came to be passed by the second respondent on 17.09.2018, stating that as there is a objection from the village people, the petitioner has to obtain No Objection Certificate from the various departments and till such time, the petitioner cannot run the unit. The said order is under challenge in this Writ Petition.

3. Heard Mr.N.Inbanathan, learned Additional Government Pleader appearing for the respondents 1 to 3 and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader who accepts notice on behalf of the fourth respondent.

4. Ironically, the second respondent who had issued the certificate of No Objection to the petitioner earlier on 22.02.2018, without adverting the same had passed the impugned order and this clearly shows that the second respondent had passed the impugned order, being influenced by the local people. Further, the order impugned in this Writ Petition is passed without issuing notice to the petitioner and without verifying the certificate who had been already got by the petitioner, which is in violation of principles of natural justice.

5. In view of the same, this Court is of the view that the impugned order is per se illegal and the same is liable to be set aside. Accordingly, this Writ Petition is allowed and impugned order passed by the second respondent dated 17.09.2018 is set aside. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Revenue Officer,
Kancheepuram,
Kancheepuram District.
- 2.The Tahsildar,
Maduranthagam Taluk,
Kancheepuram District.
- 3.The Village Administrative Officer,
No.148, Kinar Grammam,
Maduranthagam Taluk,
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- 4.The Special Officer,
Block Development Officer (KP)
Kinar Village Panchayath,
Madurantagam Panchayat Union,
Madurantagam,
Kancheepuram District

+2ccs to Mr.A.Kumar, Advocate, S.R.No. 83145.
+1cc to Mr.V.Jayaprakash Narayanan, S.R.No.83198
+1cc to the Government Pleader, S.R.No.83713

W.P.No.27276 of 2018

rrs 14/12/2018

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