



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.06.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.456 of 2018

and

W.M.P. (MD) Nos.458, 459 & 460 of 2018

I-Aqua
rep.by its Partner S.Selvi Pandian
No.80, Vadakku Vilai Colony Street
Krishnapuram
Kadayanallur,
Tirunelveli District ... Petitioner

vs.

1. The Commissioner
Kadayanallur Municipality
Kadayanallur, Tirunelveli District

2. K.Maruthaiah ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus to call for the entire records in connection with the impugned order of the first respondent, dated 14.12.2017 in Na.Ka.No.3215/2014/H1 and quash the same and consequently permit the petitioner to run the unit situated at No.80, Vadakku Vilai Colony Street, Krishnapuram, Kadayanallur Tirunelveli District.

For Petitioner : Mr.R.Devaraj

For Respondents : Mr.Mahendran
for Mr.J.Lawrance, Standing Counsel, for R1
Mr.Niranjan S.Kumar for R2

O R D E R

I do not find any infirmity in the impugned order, dated 14.12.2017, which was passed by the first respondent pursuant to the directions of the Honourable Division Bench of this Court, dated 21.08.2017, passed in W.P.(MD) Nos.4820 of 2017 and 21936 of 2016, wherein the Honourable Division Bench has observed as follows:

<https://hcservices.ecourts.gov.in/hcservices/>

10. The writ petitioner in W.P.(MD) No.21936 of 2016 shall not be permitted to run her plant and tap



underground water resources till a fresh license is issued by the Municipal Commissioner.

11. This Court makes it clear that the order impugned in W.P. (MD) No. 21936 of 2016 is quashed and the matter is remitted to the file of the Municipal Commissioner, Kadayanallur Municipality to pass a fresh order after obtaining the recommendations from the concerned authorities. It is seen that the writ petitioner had invested considerable sum of money to run the same, only after getting orders from the concerned departments. By virtue of the direction given in this proceeding the said plant cannot run, till a fresh license is obtained. The Commissioner, Kadayanallur Municipality shall decide the matter and pass appropriate orders after associating the concerned authorities. Such exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order."

2. It is the submission of the learned Standing Counsel for the first respondent that in spite of the observations made by the Honourable Division Bench, the petitioner had run the plant, which necessitated them to pass the impugned order.

3. The learned counsel for the petitioner submitted that from 03.11.2016 they are not running the plant and in view of the orders passed by the Honourable Division Bench, they have no intention to run the plant also.

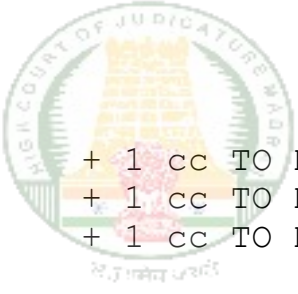
4. The present impugned order is in violation of the earlier orders of the Honourable Division Bench of this Court and I do not find any reason as to how the petitioner could be aggrieved, if they had already violated the orders of the Honourable Division Bench. It is the submission of the learned counsel for the petitioner that the first respondent herein had called for recommendations from the Authorities, who are not concerned with the subject matter. In my view, such a submission can be made only before the Honourable Division Bench, which had passed the earlier orders, seeking for clarification as to who are the concerned Authorities and it would not be justifiable for this Court to interpret the definition of "concerned Authority".

5. In view of the above, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/



+ 1 cc TO Mr.R.Devaraj , Advocate in SR No.66815
+ 1 cc TO Mr.Niranjan S.Kumar , Advocate in SR No. 66601
+ 1 cc TO Mr.J.Lawrance , Advocate in SR No. 66706

krk

AE/SV MMS/SAR1/08.06.2018/3P/4C

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