

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2019

CORAM:

THE HON'BLE MR. JUSTICE M.M.SUNDRESH
and
THE HON'BLE MR. JUSTICE RMT. TEEKAA RAMAN

W.P.No.30601 of 2019

S.Subramaniam

... Petitioner

vs.

1. The District Collector,
Tiruppur District,
Tiruppur.
2. The Assistant Director,
Mines and Minerals,
Near LRG College,
OPP to RM Industrial Complex,
Palladam Road,
Tiruppur - 4.
3. The Assistant Director,
Town and Country Planning,
Tiruppur.
4. The Block Development Officer,
Uthukuli Range,
Tiruppur.
5. The Special Officer,
Morattupalayam Panchayat,
Tiruppur District.

6. K.Muthusamy

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a writ of Certiorarified Mandamus to quash the impugned Stop Work Notice issued by the 5th Respondent, dated 16.09.2019 as illegal, arbitrary and consequently direct the Respondents to issue building approval, since the Petitioner's property does not come to the ambit to the prohibited limit of mining operations.

For Petitioner :Mr.A.Manojkumar

For Respondent 1 to 5 :Mr.E.Manoharan,
Additional Government Pleader

O R D E R

(Order of the Court made by M.M.SUNDRESH,J.)

The Petitioner has challenged the impugned stop-work notice dated 16.09.2019 issued by the 5th Respondent.

2. Learned counsel for the Petitioner submitted that the impugned order has been passed on the complaint given by the 6th Respondent, without even affording an opportunity of hearing to the Petitioner.

3. We have also perused the impugned order. It has been passed without affording an opportunity of hearing to the Petitioner.

4. In such view of the matter, the impugned order dated 16.09.2019 passed by the 5th Respondent, is set aside, as, admittedly, it has got severe consequences on the Petitioner.

5. However, liberty is given to the 5th Respondent to initiate fresh proceedings, after issuance of notice to the Petitioner and the 6th Respondent.

The Writ Petition is allowed with the above observation. No costs. Consequently, connected W.M.P.Nos.30664 and 30666 of 2019 are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

(aeb)

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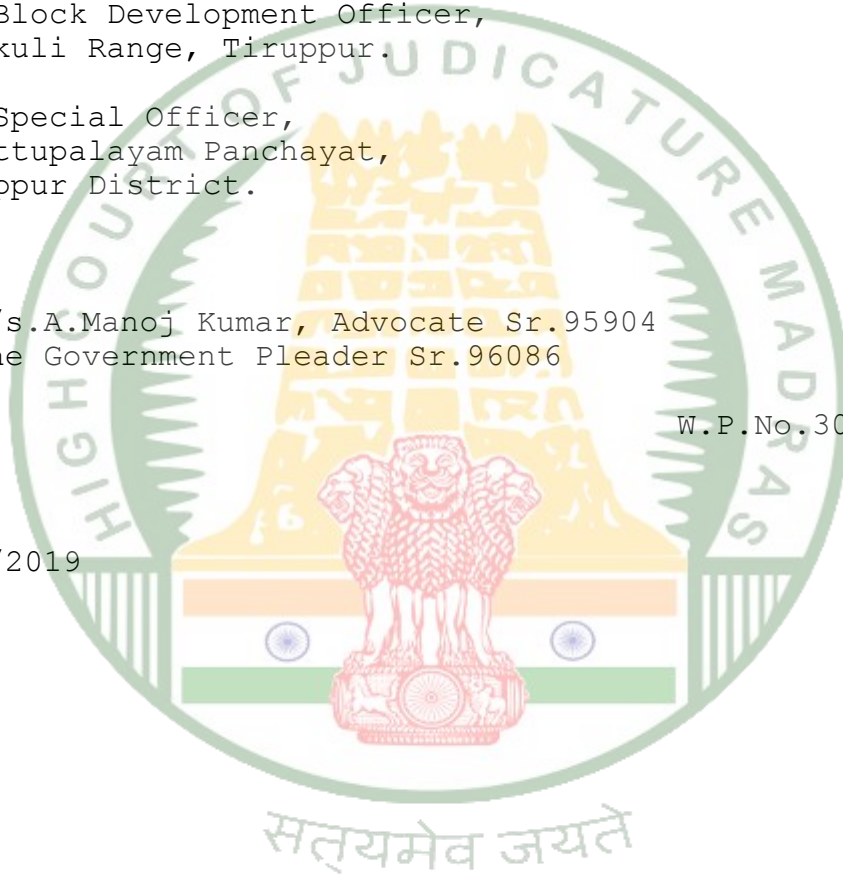
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+1cc to M/s.A.Manoj Kumar, Advocate Sr.95904
+1cc to the Government Pleader Sr.96086

W.P.No.30601 of 2019

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srg 17/12/2019



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