

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 31.01.2019

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN**Cr1.R.C.(MD)No.8 of 2019****and****Cr1.M.P.(MD).No.618 of 2019**

M/s. JKR Marine Products,
represented by its Proprietor,
J.Kannan.

... Petitioner/Petitioner

Vs.

1.The Sub Collector,
Cheranmahadevi,
Tirunelveli District.

2.A.Sethuramalingam,
Taluk Secretary, Communist Party of India,
Radhapuram Taluk Committee,
74B, Radhapuram Road,
Valliyur 627 117.

3.M.Anthony Amalraja
Union Secretary, AIADMK,
Radhapuram,
13/87, Thomas Street,
Idinthakarai Post,
Tirunelveli District - 627 104.

... Respondents/Respondents

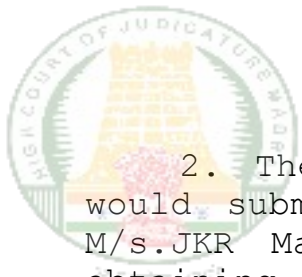
Prayer:- The Criminal Revision Petition is filed under Sections 397 (1) r/w. Section 401 of Cr.P.C., against the order passed by the first respondent in Na.Ka.A1/12172/2018, dated 09.01.2019.

For Petitioner : Mr.G.Prabhu Rajadurai

For R1 : Mrs.S.Bharathi
Government Advocate (Cr1.side)

O R D E R

The criminal revision petition has been filed challenging the order passed under Section 133 of Cr.P.C., by the first respondent in Na.Ka.A1/12172/2018, dated 09.01.2019.

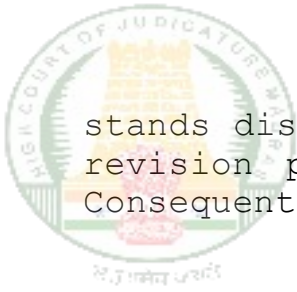


2. The learned Senior counsel appearing for the petitioner would submit that the petitioner is running the factory viz., M/s.JKR Marine Products for more than twelve years and after obtaining due permission and complying with all the formalities only he is running the factory. So far he has not received any complaint, whereas served the copy of the order passed by the first respondent. Therefore, challenging the same, he has filed the present criminal revision petition.

3. The learned Government Advocate (Crl.side) appearing for the first respondent would submit that the petitioner has received the complaint from third party on 27.09.2018 and 22.11.2018 also and subsequently, notice has been issued and explanation also called for from the petitioner. The Thasildar inspected the premises on 26.11.2018 and submitted a report. Subsequently, the impugned order has been passed. Since it is only an interim measurement, then the final order has to be passed after giving opportunity to the petitioner. She would further submit that notice has been served to the revision petitioner and he also made appearance on 21.01.2019 and after giving opportunity, they will propose to pass orders on 04.02.2019.

4. It is not in dispute that the petitioner is running the factory for more than twelve years and the learned Government Advocate (Crl.side) also admitted that the Tahsildar has made an inspection on 26.11.2018, but they have not furnished the copy of the inspection report. The learned Government Advocate (Crl.side) also admitted that on 21.01.2019, the revision petitioner appeared before the first respondent, even at that time also, they have not furnished the copy of the inspection report and she has made reference in the order. But mere reference is not sufficient and it will not give any actual allegations leveled against the revision petitioner. Therefore, in such circumstances, this Court feels that opportunity must be given to the revision petitioner, since the revision petitioner has obtained due permission from the competent authority and run the business and the first respondent also allowed the revision petitioner to run the factory for more than 12 years. Before passing any prohibitory order, it is necessary to give an opportunity to the petitioner to give an explanation and also is rectified, if at all any nuisance caused by him is found. Before passing final order, the first respondent is directed to furnish the copy of the inspection report submitted by the Tahsildar for the inspection made on 26.11.2018. Till then, the prohibitory order, dated 09.01.2019, passed by the first respondent is stayed and till furnishing of the copy of the inspection report and passing of the final order, the first respondent is restrained to interfere with the running of the

5. With the above directions, the Criminal Revision Petition



stands disposed of. However, if any final order being passed, the revision petitioner is at liberty to challenge the said order. Consequently, connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar (CS)

To

The Sub Collector,
Cheranmahadevi,
Tirunelveli District.

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-44298[F] dated
01/02/2019)

akv

Crl.R.C. (MD) .No.8 of 2019
31.01.2019

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