



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : **16.10.2019**
CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P. (MD)No.21861 of 2019
and
W.M.P. (MD)No.18613 of 2019

Soundarapandiyan : Petitioner
Vs.

The Commissioner,
Madurai Corporation,
Madurai. : Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records of the respondent in Ma.Na.2.Ma.Sa.1/9336/17, dated Nil/September/2019, and quash the same as illegal and arbitrary.

For Petitioner : Mr.P.Ganapathi Subramanian
For Respondent : Mr.Prabhu Ramachandran

ORDER

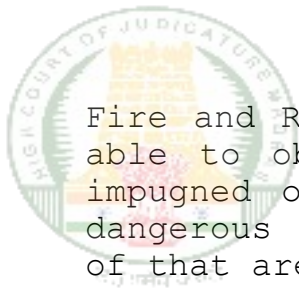
Challenging the proceedings of the respondent in Ma.Na.2.Ma.Sa.1/9336/17, dated Nil/September/2019, the present Writ Petition has been filed.

2. Heard both sides.

3. The petitioner is running a manufacturing unit of coconut powder. According to him, the good manufactured by him falls under white category of industries. For running the above industry, he need not get any "No Objection Certificate" and consent from the Tamil Nadu Pollution Control Board. The Tamil Nadu Fire and Rescue Services issued a licence on 08.07.2019.

4. The learned Standing Counsel appearing for the respondent would contend that on the date of enquiry, the petitioner was not having the licence and, therefore, the respondent has rightly passed the impugned order.

5. It is seen that on the basis of an enquiry conducted on 03.04.2019, the respondent has passed an order, directing the petitioner to vacate the premises on or before 30.09.2019. Even though the petitioner could not produce the certificate from the



Fire and Rescue Services Department on the date of enquiry, he was able to obtain the same on 08.07.2019. The reason stated in the impugned order dated Nil/September, 2019, is that it may lead to dangerous circumstances and affects the pedestrians and the people of that area.

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6. From the records, it is seen that the manufacturing process has been done in ground floor portion of the building. In such circumstances, it is not clear as to how it will cause disturbance to the pedestrians and danger to the public. The impugned order does not disclose any specific reasons of disturbance and danger.

7. As observed above, the impugned order does not disclose specific reasons and specific provisions of law which requires No Objection Certificate from the Tamil Nadu Pollution Control Board. In such circumstances, the above non-speaking order passed by the respondent will amount to violation of principles of natural justice and not sustainable in the eyes of law. In view of the same, it is set aside and the matter is remitted back for fresh consideration. The respondent is directed to provide opportunity of personal hearing to the petitioner and pass a detailed order setting out the reasons, within a period of four weeks from the date of receipt of a copy of this order.

8. The Writ Petition stands allowed as indicated above. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

The Commissioner,
Madurai Corporation,
Madurai.

+1 CC to Mr.R.PRABU RAMACHANDRAN, Advocate (SR-92153[F] dated 16/10/2019)

+1 CC to Mr.P.GANAPATHI SUBRAMANIAN, Advocate (SR-92709[F] dated 17/10/2019)

Order made in
W.P. (MD)No.21861 of 2019
Dated: 16.10.2019

sml

MK (04.11.2019) 2P 4C

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