



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.02.2020**

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.2765 of 2020

and

W.M.P(MD)No.2354 of 2020

R.Rahamathullah

... Petitioner

Vs.

1.The Assistant Director of Panchayats,
Thoothukudi,
Thoothukudi District.

2.Thiruchendur Panchayat Union,
Rep. by its Commissioner,
Block Development Officer,
Thiruchendur,
Thoothukudi District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the second respondent in A2/4529/2012, dated 07.02.2020 and quash the same.

For Petitioner

: Mr.M.Saravanan

For R-1

: Mrs.J.Padmavathi Devi,

Special Government Pleader

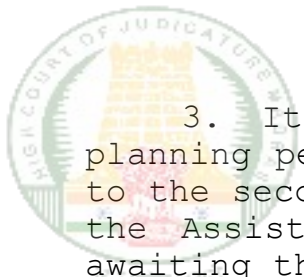
For R-2

: Mr.D.Muruganandham

ORDER

Mrs.J.Padmavathi Devi, learned Special Government Pleader takes notice for the first respondent and Mr.D.Muruganandham, learned counsel takes notice for the second respondent.

2. The writ petition is filed challenging the order passed by the second respondent in proceedings No.A2/4529/2012, dated 07.02.2020. The petitioner has been running a Timber and Sawmill admittedly from the year 2012. The second respondent had already sent a letter dated 20.06.2017, directing the petitioner to obtain necessary NOC from Fire Service Department, Industries Department, Planning Permission from the Panchayat and Professional Tax Receipt and to submit the same within two days.



3. It is stated that the petitioner had already obtained planning permission and NOC from the Panchayat and it was submitted to the second respondent and he had also applied for other NOCs from the Assistant Engineer, Highways Department, Thiruchendur and is awaiting the same. The District Fire and Rescue Department has also granted NOC to the petitioner's workshop on 01.08.2017. The Pollution Control Board has also registered the application of the petitioner. However, it was stated that the Timber and Sawmill does not require any NOC from the Pollution Control Board, which according to the petitioner, was informed to the second respondent. The certificate from the Joint Director of Industrial Safety and Health Department, Tuticorin, has also been obtained by the petitioner.

4. In the meanwhile, the impugned order came to be passed by the second respondent stating that there is no licence obtained by the petitioner as per Sections 160 and 161 of the Tamil Nadu Panchayats Act, 1994 and that the petitioner's Sawmill will be closed on 12.02.2020 at 10.30 ie., today. The respondents had allowed the petitioner to run the Sawmill for the last eight years with or without the above mentioned certificates.

5. Today, the learned counsel for the petitioner submits that the petitioner has almost obtained all the necessary certificates for running the Sawmill and the copies of which have also been submitted to the second respondent.

6. Nevertheless, the petitioner is directed to furnish the copies of all the certificates that are required from various authorities for running the Sawmill and submit the same before the second respondent on 17.02.2020 and thereafter, the second respondent is directed to consider the same within a week and pass orders on or before 24.02.2020. Till such time, the second respondent may permit the petitioner to run the Sawmill.

With the above direction, the writ petition is disposed of. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To:

1.The Assistant Director of Panchayats,
Thoothukudi,
Thoothukudi District.

2.Thiruchendur Panchayat Union,
Rep. by its Commissioner,
Block Development Officer,
Thiruchendur,
Thoothukudi District.

+1 CC to Mr.R.SUBRAMANIAN, Advocate (SR-5919[F] dated 12/02/2020)

+1 CC to SPL.GP (SR-6305[F] dated 14/02/2020)

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VB(21.02.2020) 3P 5C