



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

W.P.(MD) Nos.4580, 4584 & 4588 of 2021

and W.M.P.(MD).Nos.3673, 3674 & 3676 of 2021

Sundara Vinayagam ... Petitioner in W.P.(MD).No.4580 of 2021
Arun Pandi @ Arun Kumar ... Petitioner in W.P.(MD).No.4584 of 2021
Ramesh Kannan ... Petitioner in W.P.(MD).No.4588 of 2021

Vs.

1.The Commissioner,
Usilampatti Municipality,
Madurai District.

2.Mala Respondents in all petitions
(second respondent impleaded as a party vide order dated 21.04.2021
passed in W.M.P.(MD).Nos.5289, 5291 & 5292 of 2021)

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records pertaining to the impugned orders of the respondent made in Na.Ka.No.38/1/2021/F1, Na.Ka.No.38/2/2021/F1 and Na.Ka.No.38/3/2021/F1 dated 12.02.2021 and quash the same as illegal.

For Petitioners : Mr.M.Jegadeeshpandian
(In All W.Ps)

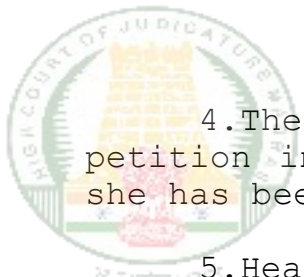
For Respondents : Mr.K.Mahendran for R1
Mr.R.Sureshkumar for R2

COMMON ORDER

The issue involved in all these writ petitions are common and hence, they are taken up together for hearing and this common order is passed.

2.The subject matter of challenge in all these writ petitions is the impugned notice issued by the first respondent, directing the petitioners to close down the unit and to submit their explanation for the notice.

3.The petitioners are running Saw Mills and Metal Workshops. A complaint seems to have been given by some of the residents in and around this area before the respondent. The respondent on conducting an inspection, has issued the impugned notice under Sections 28, 31, 34 and 36 of the Tamil Nadu Public Health Act, 1939, calling upon the petitioner to close down the unit and to submit an explanation. Aggrieved by the same, the present writ petition has been filed before this Court.



4.The person who had given complaint has filed an impleading petition in all three writ petitions and the same was allowed and she has been made as a party in these writ petitions.

5.Heard Mr.M.Jegadeeshpandian, learned counsel for the petitioner, Mr.K.Mahendran, learned Standing counsel for the first respondent and Mr.R.Sureshkumar, learned counsel for the impleaded respondents.

6.Taking into consideration the facts and circumstances of the case and also to afford an opportunity to the petitioners to give their explanations to the show cause notice issued by the first respondent, the impugned notice issued by the first respondent shall be construed only as a show cause notice and not as an order directing the petitioners to close down the unit. The petitioners shall give their explanation to the show cause notice issued by the first respondent within a period of two weeks from the date of receipt of the copy of this order. The first respondent on receipt of the same, shall consider the same after affording opportunity to the petitioners and the other interested parties including the second respondent. The first respondent shall thereafter, pass appropriate orders, strictly in accordance with law, within a period of eight weeks from the date of receipt of the explanation from the petitioners.

7.All these writ petitions are disposed of with the above directions. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Commissioner,
Usilampatti Municipality,
Madurai District.

W.P. (MD) Nos.4580, 4584 & 4588 of 2021

21.04.2021