



WEB COPY



W.P.No.8404 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2023

CORAM

THE HON'BLE MR. JUSTICE **RMT.TEEKAA RAMAN**

W.P.No.8404 of 2023
and W.M.P.Nos.8592 & 8593 of 2023

Unik Readymix Concrete rep. by its
Managing Director B.Mahasudarsan
S/o. S.Bose, Theerthakriyampattu Village,
Madhavaram Taluk, Thiruvallur District.

..Petitioner

Vs.

1.The Block Development Officer,
Puzhal Village Panchayat,
Puzhal – 600 066.

2.The President,
Theerthakriyampattu Village Panchayat,
Theerthakriyampattu, Redhills,
Chennai – 600 052.

..Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, paryaing to issue a writ of Certiorari, calling for the records relating to the notice dated 18.02.2023 of the 1st and 2nd respondents and to quash the same.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.T.Chezhiyan
Additional Government Pleader



W.P.No.8404 of 2023

WEB COPY

ORDER

The writ petition has been filed to quash the order passed by the respondents dated 18.02.2023 whereby, the petition premises was sealed.

2. The petitioner is the manufacturing unit, which has been registered under the Ministry of Micro, Small and Medium Enterprises and has also been certified to the said effect. The petitioner has also obtained all statutory “No Objection” or rather the requisite certificate / license from every authority for manufacturing readymix concrete and the same is being done for the past over nine years in the classified Industrial Zone. There are about forty employees, whose families are depending upon the income which is being given to them by the petitioner as and through the monthly emoluments. While that being so, on 31.03.2017, the Tamil Nadu Pollution Control Board has issued consent order for both Water and Air pollution and the same is valid up to 31st March 2023 and the usual renewal, which has been hitherto strictly complied with and await renewal beyond April, 2023. However, the first respondent had sealed the petition premises stating that the petitioner had violated Sections 159, 160 and 161 of the Panchayats Act, 1994 and the Building Rules, 1997.



WEB COPY

3. Mr.T.Chezhiyan, the learned Additional Government Pleader appearing for both the respondents, produced a resolution passed by the Village Panchayat, Theerthakriyampattu, dated 16.09.2022 and also the Grama Sabha resolution addressed to the office of the President, Village Panchayat Board, Theerthakriyampattu, informing the resolution of the Panchayat. He would contend that since there was a public demand alleging that the petitioner Company is causing noise pollution and air pollution, apart from creating traffic congestion which had made the area prone for accidents of two wheelers, the respondents have passed the resolution for closing down the unit. Accordingly, the said premises was sealed by affixture.

4. Admittedly, the respondents have not passed any impugned order, ordering for sealing of the petition premises. The respondents are unable to produce any show cause notice before taking any such action for closure of the unit. There is nothing on record to show that the resolution has been passed in the Panchayat and the agenda that resulted in resolution is also not produced. I find that there is clear violation of the principles of natural justice in the action of the respondents in sealing the petitioner premises by affixture, without issuing any show cause notice. To know as to why such allegations have been



W.P.No.8404 of 2023

made before the Panchayat and are true or not, an opportunity of being heard should have been given to the petitioner. The petitioner is running the industry after getting necessary pollution clearance and, hence, I find that the impugned action of the respondents is in clear violation of principles of natural justice, calling for interference by this Court.

5. In the exercise of powers conferred upon this Court under Article 226 of Constitution, I hereby direct the respondents to de-seal the petition premises by tomorrow evening at 4.30 P.M. It is hereby made clear that the respondents Panchayat can take appropriate action, after following due process of law.

6. With these observations, the writ petition stands allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

20.03.2023

Speaking/Non-speaking order
Neutral Citation Yes / No
Index : Yes/No

ata

Note : Issue order copy on 21.03.2023.



WEB COPY



W.P.No.8404 of 2023

To

- 1.The Block Development Officer,
Puzhal Village Panchayat, Puzhal – 600 066.
- 2.The President,
Theerthakriyampattu Village Panchayat,
Theerthakriyampattu, Redhills, Chennai – 600 052.



WEB COPY



W.P.No.8404 of 2023

RMT.TEEKAA RAMAN.J,

ata

W.P.No.8404 of 2023

20.03.2023