



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.19114 of 2023
and WMP No.18369 of 2023

S.M.Dhamodaran

.. Petitioner

vs.

1.The Tahsildar
R.K.Pet Taluk
Thiruvallur District.

2.The Revenue Inspector
R.K.Pet
R.K.Pet Taluk
Thiruvallur District.

3.The Inspector of Police
R.K.Pet Police Station
Thiruvallur District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records relating to the order passed by the 1st respondent in Na.Ka.No.342/2023/A1 dated 18.05.2023.



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For Petitioner : Mr.S.Doraisamy
for Mr.V.Elangovan

For Respondents : Mr.S.Ravichandran
Additional Government Pleader

ORDER

The writ petition can be decided within a narrow campus and hence, it is taken up for final hearing on the consent given by either side.

2.The petitioner has assailed the proceedings of the 1st respondent in Na.Ka.No.342/2023/A1 dated 18.05.2023, whereby the plant that was run by the petitioner in the name of AGJ Water Plants was directed to be closed and kept under lock and seal.

3.Heard Mr.S.Doraisamy, learned counsel for the petitioner and Mr.S.Ravichandran, learned Additional Government Pleader for respondents.

4.The case of the petitioner is that he is running the water plant in the subject property after entering into a lease agreement dated 06.12.2021, with one A.J.Suresh. The further case of the petitioner is that this lease agreement was valid till 05.12.2023. According to the petitioner, he has obtained all the



necessary permission to run the water plant. While so, based on some complaint that was received by the 1st respondent, the impugned order came to be passed on 18.05.2023, directing the closure of the water plant and to keep under lock and seal. Aggrieved by the same, the present writ petition has been filed before this Court.

5.The learned counsel for the petitioner brought to the notice of this Court all the relevant documents and submitted that the petitioner was running the water plant after getting appropriate permission. It was further submitted that if the 1st respondent had sought for information from the petitioner, the petitioner would have provided all the particulars and the documents to satisfy the 1st respondent that the water plant was run after getting appropriate approval and with the permission of the owner of the property. It was therefore contended that the impugned proceedings of the 1st respondent is liable to be interfered by this Court for violation of principles of natural justice.

6.In the considered view of this Court it is not necessary for this Court to go into the merits of the case. On carefully going through the impugned proceedings of the 1st respondent dated 18.05.2023, it is seen that one Tmt.S.V.Bharathi, had given a compliant to the 1st respondent to the effect that



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the petitioner is running the water plant in her patta land without obtaining any permission or approval. Based on this complaint, the 1st respondent seems to have directed the Revenue Inspector to file a report and based on this report, the impugned proceedings dated 18.05.2023, came to be issued. The impugned proceedings clearly results in civil consequences to the petitioner and hence, the minimum requirement that had to be followed before the proceedings were issued, was to provide the petitioner with an opportunity and thereafter pass orders. The impugned proceedings of the 1st respondent is vitiated since the petitioner was neither put on notice nor was his explanation sought for.

7. In the light of the above discussion, the impugned proceedings issued by the 1st respondent in Na.Ka.No.342/2023/A1 dated 18.05.2023, shall be construed as a show cause notice. The petitioner is directed to give his explanation to the 1st respondent along with all the relevant documents. Thereafter, the 1st respondent shall conduct an enquiry and take a decision on its own merits and in accordance with law. Till a final decision is taken by the 1st respondent, the water plant run by the petitioner shall not be disturbed.



8.This writ petition is disposed of in the above terms. No costs.

Consequently, connected miscellaneous petition is closed.

27.06.2023

Index : Yes/No
Internet : Yes/No
Neutral Citation Case: Yes/No
KP

To

- 1.The Tahsildar
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