



WEB COPY



W.P.No.21270 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2023

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.21270 of 2023

and

WMP.No.20681 of 2023

D.Kavitha

...Petitioner

Vs.

1.The District Collector
Perambalur District.

2.The Commissioner
Perambalur Municipality
Perambalur District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records pertaining to the order passed by the second respondent in Na.Ka.No.1959/2023/H1 dated 13.07.2023 and quash the same.

For Petitioner : Mr.K.C.Karl Mark
For Respondents : Mrs.S.Anitha
Special Government Pleader



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4. The learned counsel for the petitioner produced a copy of the building plan approval obtained by the petitioner from the Perambalur Panchayat as early as 24.07.1992. The learned counsel also submitted that tailoring business and apparel making are classified as “Green” industries under annexure -6 to Tamil Nadu Combined Development and Building Rules, 2019. The learned counsel relying on annexure-18 to the said Rule submitted that industries, which are classified as “Green” industries, are permitted to operate in the residential zone, provided power consumption does not exceed 30 HP.

5. A perusal of the impugned order passed by the second respondent would suggest that the said order was passed without issuing a show cause notice to the petitioner and without affording any opportunity to him to put forth his case. By the impugned order the second respondent directed the petitioner to vacate the premises, which will have a direct impact on the livelihood of the petitioner. Before passing the said order, which will have serious civil consequences, the second respondent ought to have afforded an opportunity to the petitioner. Therefore, the impugned order is liable to be set aside as the same is passed violating the principles of natural justice.



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Accordingly, the impugned order is set aside.

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6. The second respondent is directed to issue a show cause notice to the petitioner and after affording sufficient opportunity to the petitioner, it is open to the second respondent to pass orders on merits and in accordance with law. It is always open to the petitioner to produce all documents in support of his claim before the second respondent after issuance of show cause notice to him.

7. With the above observations, this Writ Petition is allowed. No costs.

25.07.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
dna



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To

- 1.The District Collector
Perambalur District.
- 2.The Commissioner
Perambalur Municipality
Perambalur District.



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S.SOUNTHAR, J.
dna

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