



W.P.No.27388 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.27388 of 2021
and W.M.P.No.28901 of 2021

Eswari Electricals
Represented by its Partner
P. Senthil Kumar, M, Aged 40 years
15 A, Thirupur Kumaran Street,
Sri Sai Nagar, Thiruvenkatapuram,
Thataperumbakkam, Ponneri,
Thiruvallur District – 601 204.

... Petitioner

vs.

- 1.The Personal Assistant
To the District Collector
Tiruvallur District
Office of the District Collector
Tiruvallur.
- 2.The Commissioner
Tamil Nadu Right To Information Tribunal
Chennai.
- 3.Assistant Director
Panchayat, Tiruvallur.
- 4.The President
Thadaperumbakkam Panchayat
Thadaperumbakkam, Ponneri.



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5. The Block Development Officer
Minjur Panchayat Union.

6. R. Shanmugasundaram

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records of the fifth respondent with respect to the proceedings in Na. Ka. No. 011/2021/A6, dated 22-11-2021, quash the same.

For Petitioner : Mr. M. L. Ramesh

For R1 and R3 : Mr. C. Selvaraj
Additional Government Pleader

For R4 and R5 : Mr. A. Anandan
Government Advocate

For R6 : M/s. Bharathy

ORDER

The writ petition is filed challenging the order passed by the 5th respondent ordering closure of electrical industry run by the petitioner in Sri Sai Nagar, Thiruvengatapuram, Thadaperumbakkam Panchayat, Minjur Panchayat Union.



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2. Mr.C.Selvaraj, learned Additional Government Pleader takes notice for the respondents 1 and 3, Mr.A.Anandan, learned Government Advocate takes notice for the respondents 4 and 5 and M/s.Bharathy, learned counsel takes notice for the 6th respondent.

3. The impugned order has been questioned by the petitioner mainly on the ground that before passing the impugned order for closure of the industry, no show cause notice was issued to the petitioner.

4. When the matter is taken up for hearing, Mr.A.Anandan, learned Government Advocate appearing for the respondents 4 and 5, on instructions, submitted that subsequent to the filing of the writ petition, a show cause notice has been issued to the petitioner by 5th respondent on 12.04.2022 calling upon the petitioner to show cause why action shall not be taken against him under Sections 159 and 160 of the Tamil Nadu Panchayats Act, 1994.

5. The fact that the show cause notice has been issued by the 5th respondent subsequent to the filing of the writ petition supports the



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contention of the petitioner, the impugned order was not preceded by any show cause notice. Therefore, the impugned order is liable to be set aside as it is clear violation of principles of natural justice. Accordingly, the same is set aside.

6. Now, it is submitted by the learned Government Advocate appearing for the respondents 4 and 5 in pursuance of the show cause notice issued by 5th respondent on 12.04.2022, the petitioner has submitted his explanation on 24.04.2022. In such circumstances, it is for the 5th respondent to consider the explanation submitted by the petitioner and proceed in accordance with law.

7. With the above observation, the writ petition stands allowed. No costs. Consequently, the connected miscellaneous petition is closed.

12.09.2023

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
dm



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To

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S.SOUNTHAR, J.

dm

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