

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.18853 of 2015

and

M.P.(MD)No.1 of 2015

T.Danraj

... Petitioner

Vs.

The Executive Officer,
Office of the Executive Officer,
Panagudi Town Panchayat (Selection Grade)
Radhapuram Taluk,
Tirunelveli District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the entire records connected with the notice in Na.Ka.No.59/2015-16 dated 11.09.2015 issued by the Respondent and quash the same as illegal consequently to directing the Respondents not to interfere with the peace full running of Dhanam traders, the register wooden chips manufacturing industry.

For Petitioner : Mr.Ponnupandi
for Mr.S.Malaikani

For Respondent : no appearance

ORDER

Heard the learned counsel appearing for the petitioner. There is no representation on the side of the respondent.

2. The petitioner is running a small scale unit within the limits of the respondent local body. One Syed Yahooob lodged a complaint that the petitioner's business activities are causing nuisance. The executive officer of Panagudi Town Panchayat (Selection grade) conducted spot inspection. Thereafter, the impugned notice dated 11.09.2015 was issued directing closure of the unit. Challenging the same, this writ petition came to be filed.

3. The learned counsel appearing for the petitioner pointed out that the petitioner already received notice from the pollution control board and he appeared before them and offered his explanation. The local body did not issue any notice to the petitioner. The learned counsel for the petitioner pointed out that the impugned order though styled as notice is actually a peremptory order directing closure of the unit and that it was not preceded by the notice. I endorse the contention of the learned counsel for the petitioner that there is a clear violation of the principles of natural justice.

4. In this view of the matter, the order impugned in the writ petition is set aside. It is open to the respondent local body to issue notice to the petitioner and after holding proper enquiry, pass an order afresh on merits and in accordance with law. I make it clear that I have not gone into the merits of the matter.

5. The Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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