



W.P(MD)No.20828 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.08.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.20828 of 2015
and
M.P.(MD)Nos.1 and 2 of 2015

Raja

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary,
Department of Municipal Administration,
Fort St.George, Chennai.

2.The District Collector,
Ramanathapuram,
Ramanathapuram District.

3The Commissioner,
Paramakudi Municipality,
Paramakudi,
Ramanathapuram District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for records relating to the impugned proceedings of the 2nd respondent in



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O.M.Q.2/58622/2015 dated 04.11.2012 and the consequential impugned order, made by the 3rd respondent in Na.ka.No.4322/2015/H2 dated 18.11.2015 and quash the same as illegal.

For Petitioner : Ms.A.Afritha Fathima,
For M/s.Ajmal Associates.

For Respondents : Mrs.K.Christy Theboral,
Addl. Government Pleader for R1 & R2.
Mr.M.Kannan for R3.

ORDER

Heard both sides.

2.The petitioner is running a flour mill at the petition mentioned premises. One Kathiresan filed W.P.(MD)No.1550 of 2010 for taking action to close down the flour mill. The petitioner herein figured as the fourth respondent. The writ petition was disposed on 14.04.2015 in the following terms:-

“This writ petition has been filed partying to direct the respondents 1 to 3 to take necessary action based on the petitioner's representation dated 02.11.2009 and further direct the respondent to close



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his Meri Rani Flour Mill.

2.The learned counsel appearing for the petitioner submits that the petitioner has passed away. However, since this is a case relates to a complaint about pollution, it is for the authority concerned to deal with the matter in accordance with law.

3.With the above observation, this writ petition is disposed of. No costs. Connected miscellaneous petition is closed.

3.The Writ Court did not issue any positive direction. The District Collector misconstrued the order of this Court as if a closure order has been passed. He sent communication dated 04.11.2015 to the Commissioner, Paramakudi Municipality in this regard. Since such a communication had been received from the District Collector, the Commissioner, Paramakudi Municipality called upon the petitioner to close down the mill and the petitioner was threatened that the mill will be sealed, if he failed to do so. Challenging the same, the present writ petition came to be filed. When the matter was admitted, interim order was granted.



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4.The learned counsel for the petitioner points out that the petitioner is running only a small scale unit and that he has been permitted by Food Safety Standards Department. Paramakudi Municipality has also renewed his trade license. From the materials enclosed in the typed set of papers, it is seen that the license is valid upto 31.03.2024.

5.I am satisfied that the petitioner is running his mill as per law. The impugned orders deserve to set aside for two reasons. (a) Gross violation of the principles of natural justice and (b) Misconstruction of the order passed by this Court by the District Collector, Ramanathapuram. The impugned orders are set aside and the writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

11.08.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

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- 1.The Secretary,
Department of Municipal Administration,
Fort St.George, Chennai.
- 2.The District Collector,
Ramanathapuram,
Ramanathapuram District.



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G.R.SWAMINATHAN, J.

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