



WEB COPY



W.P.No.24440 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.24440 of 2024
and W.M.P.No.26730 of 2024

R.Krishna Kumar

... Petitioner

-Vs-

1. The Sub-Collector,
O/o. Sub-Collector,
Pollachi.

2. The Executive Officer,
Zamin Uttukulli Panchayat,
Coimbatore District.

3. Tamil Nadu Pollution Control Board,
represented by District Environmental Engineer,
Coimbatore.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records of the second Respondent vide Impugned order in Na.Ka.No 435/2024 dated 02.08.2024 and to quash the same.

For Petitioner	: Mr.M.Rajasekar
For R1	: Mr.N.Naveen Kumar Government Advocate
For R2	: Mr.J.C.Durairaj Additional Government Pleader
For R3	: Mr.J.Gokulakrishnan Standing Counsel



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ORDER

This writ petition has been filed challenging the order passed by the second respondent dated 02.08.2024, thereby directed the petitioner to re-locate his godown within a period of seven days.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner is running a business in the name and style of A.V.Scrap in Door No.54/2A2 M.S.Garden, MMG Colony Zamin Uttukulli, Pollachi Taluk, Coimbatore district. It is a rented premises and also residential area. The petitioner used the said premises for commercial purpose and doing scrap business. Therefore, there is noise and air pollution. Hence, a resident lodged a complaint. On the said complaint, the second respondent issued notice to re-locate the scrap business premises three months before. Thereafter, the petitioner failed to re-locate his business and as such, the second respondent passed an order dated 02.08.2024, thereby directed the petitioner to re-locate his scrap business within a period of seven days from the date of receipt of a copy of the order.

4. The only contention raised by the petitioner is that the petitioner was



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not issued any notice and there was no enquiry on the complaint lodged by a third party. Therefore, it is a clear violation of principles of natural justice and on the sole ground, the impugned order cannot be sustained and is liable to be quashed.

5. Accordingly, the impugned order passed by the second respondent in Na.Ka.No.435/2024 dated 02.08.2024 is hereby quashed. On the complaint lodged by the third party, the third respondent is directed to issue notice to the petitioner and the complainant and after giving an opportunity of hearing to them, pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

6. Accordingly, this writ petition stands allowed. Consequently, connected Miscellaneous petition is closed. No costs.

27.08.2024

Internet: Yes
Index : Yes/No
Neutral Citation: Yes/No
Speaking/Non Speaking order
mn

G.K.ILANTHIRAIYAN. J.



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mn

To

1. The Sub-Collector,
O/o. Sub-Collector,
Pollachi.
2. The Executive Officer,
Zamin Uttukulli Panchayat,
Coimbatore District.
3. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Coimbatore.

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