



WEB COPY



W.P.No.33163 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.P.No.33163 of 2023

and

W.M.P.No.32853 of 2023

M/s.Kannappan Alloy and Steel Company
Private Limited represented by its
Managing Director,
T.S.P.Kannappan
S.F.No.262, Merku Thottam,
Karadivavi Road, Anupatti Post,
Palladam Taluk, Tiruppur – 641 664,
Tamil Nadu.

... Petitioner

Vs.

1.The District Collector,
Tiruppur District,
Tamil Nadu.

2.The Deputy Collector,
Tiruppur District,
Tamil Nadu.



W.P.No.33163 of 2023

WEB COPY

3. The Tahsildar,
Palladam Taluk,
Palladam, Tiruppur District,
Tamil Nadu.

4. The Secretary,
Tamil Nadu Town and Country
Planning Department,
Tamil Nadu.

5. The Deputy Superintendent of Police,
Palladam Taluk,
Tiruppur District 641 664,
Tamil Nadu.

6. The President,
Anupatti Panchayat Union,
Anupatti Village, Palladam Taluk,
Tiruppur District 641 664.

7. The Secretary to Government,
Rural Development and Panchayat Raj Department,
Fort St. George,
Chennai – 600 009.

... Respondents

*[R7 suo motu impleaded as per order dated
12.01.2024 in W.P.No.33163 of 2023]*

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the records relating to the impugned order dated 01.11.2023 issued by the 6th respondent herein and quash the same as being illegal, arbitrary and contrary to the provisions of



W.P.No.33163 of 2023

For Petitioner : Mr.K.V.Babu
For R1 to R5 : Mrs.V.Yamuna Devi
Special Government Pleader
For R6 : Mrs.S.Dhakshayani Reddy
Senior Counsel
for Mr.P.Nethaji

ORDER

(Order of the Court was made by **S.S. SUNDAR, J.**)

This writ petition is filed challenging the order passed by the 6th respondent/President, dated 01.11.2023.

2.Brief facts that are necessary for the disposal of this writ petition are as follows :

2.1.The petitioner is a private limited company. The petitioner was established to manufacture TMT Bars and is running a factory at Anupatti Village, Palladam Taluk, Tiruppur District. It is the case of the petitioner that, after getting necessary permissions from various statutory authorities,



W.P.No.33163 of 2023

they have established the industry. The Tamil Nadu Pollution Control Board, Department of Public Health and Preventive Medicine, Directorate of Industrial Safety and Health, Tamil Nadu Fire and Rescue Services have given approvals/clearances.

2.2.However, a show cause notice was issued to the petitioner on 16.03.2023, calling upon the petitioner to produce all the clearances/approvals obtained from all the statutory authorities. In response to the show cause notice, the petitioner appears to have submitted a reply elaborately along with several documents.

2.3.It was thereafter, the petitioner submitted an application for renewal of factory licence to the 6th respondent. The 6th respondent passed an order on 22.03.2023, refusing to renew the licence that was required from the local body. By the order dated 22.03.2023, the petitioner was directed not to operate the industry.

2.4.This order was put to challenge before this Court earlier in a writ petition in W.P.No.9748 of 2023. By order dated 05.06.2023, this Court, after recording the facts relating to the renewal of consent issued to the petitioner by the Tamil Nadu Pollution Control Board and other



W.P.No.33163 of 2023

approvals/licence granted to the petitioner, set aside the impugned order therein.

2.5.The 6th respondent granted licence under Sections 160 and 161 of the Tamil Nadu Panchayats Act, 1994, subject to various conditions.

2.6.It was thereafter, once again, on 15.09.2023, the 6th respondent issued a show cause notice to the petitioner, by referring to a few complaints received from public. This show cause notice was to call upon the petitioner as to why the licence and the building permission granted to the petitioner should not be cancelled. It is to be noted that, in the same notice, the petitioner was called upon to produce the details of the approvals granted from the Tamil Nadu Town and Country Planning authorities and other statutory authorities and the approval/permission/No Objection from other authorities under different Statutes. In response to the said notice, the petitioner submitted a detailed reply, dated 25.09.2023, along with a list of documents regarding the permissions and consent obtained from the Tamil Nadu Pollution Control Board under the Air and Water Act and other Certificates from Tamil Nadu Fire and Rescue Services, etc.

2.7.However, the 6th respondent has passed the impugned order dated



W.P.No.33163 of 2023

01.11.2023, holding that the petitioner is running the industry without any permission from the Tamil Nadu Town and Country Planning authorities and required approval from other statutory authorities. By the impugned order, the petitioner was directed to close the industry. Aggrieved by the same, the petitioner has filed the above writ petition.

3.From the impugned order, it is seen that the 6th respondent has not applied his mind as to the statutory compliance reported by the petitioner in response to the show cause notice. None of the documents filed by the petitioner along with their reply and the details found in the reply to the show cause notice, was considered. The impugned order is not only in violation of the principles of natural justice, but also against the basic principles of law to give proper reasons while passing the order directing closure of the industry, thereby affecting the fundamental right guaranteed to the petitioner to carry on its business.

4.The 6th respondent was directed to be present before this Court in view of the fact that the attitude shown by the 6th respondent in this case



W.P.No.33163 of 2023

makes any one to believe that the 6th respondent has acted with corrupt motive. Impugned order is passed without even considering the documents and reply submitted by the petitioner. The 6th respondent is present before this Court today. This Court was about to issue directions to the District Collector to initiate appropriate proceedings against the 6th respondent for passing such orders with improper motive. Though learned Senior Counsel appearing for the 6th respondent came with an explanation, this Court is not convinced with the reasons stated by the 6th respondent in the counter affidavit to sustain the order. The impugned order which is suffering from legal *mala fides* and in contravention of the principles of natural justice, is liable to be quashed.

5. Therefore, this writ petition is allowed and the impugned order, dated 01.11.2023, passed by the 6th respondent is quashed.

6. However, it is open to the 6th respondent to initiate action against the petitioner, only in accordance with law, in case the petitioner has not complied with any statutory requirement, after issuing a show cause notice



W.P.No.33163 of 2023

and giving sufficient opportunity of personal hearing to the petitioner at the time of enquiry. When an industry is established, the elected representatives of people are expected to act only in public interest. Having regard to the policy of Central and State Governments, the local bodies are expected to lead a responsible role in promoting industries of course without compromising public health. When such a show cause notice is issued, the same should point out specific violations or irregularities for which the 6th respondent is entitled to initiate action with reference to the provisions of the relevant Statute or Rules. No costs. Consequently, connected miscellaneous petition is closed.

(S.S.S.R., J.) (N.S., J.)
26.02.2024

mkn

Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No

To

1.The District Collector,
Tiruppur District,
Tamil Nadu.

2.The Deputy Collector,



W.P.No.33163 of 2023

Tiruppur District,
Tamil Nadu.

WEB COPY

3.The Tahsildar,
Palladam Taluk,
Palladam, Tiruppur District,
Tamil Nadu.

4.The Secretary,
Tamil Nadu Town and Country
Planning Department,
Tamil Nadu.

5.The Deputy Superintendent of Police,
Palladam Taluk,
Tiruppur District 641 664,
Tamil Nadu.

6.The President,
Anupatti Panchayat Union,
Anupatti Village, Palladam Taluk,
Tiruppur District 641 664.

7.The Secretary to Government,
Rural Development and Panchayat Raj Department,
Fort St. George, Chennai – 600 009.



WEB COPY



W.P.No.33163 of 2023

S.S. SUNDAR, J.
and
N. SENTHILKUMAR, J.

mkn

W.P.No.33163 of 2023



WEB COPY



W.P.No.33163 of 2023

26.02.2024