



W.P (MD).No.26380 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2024

CORAM

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

W.P (MD).No.26380 of 2024

and

W.M.P(MD)Nos.22350 & 22352 of 2024

Malanadu Ammonia Private Limited,
Represented by its Managing Director
Mr.Sreedeth P.N.
S/o.P.K.Nanthan

...Petitioner

Vs.

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.Block Development Officer,
Village Panchayat,
Pappakudi Panchayat Union,
Pappakudi at Mukkudal,
Tirunelveli District.
- 3.The Tahsildar,
Ambasamudram Taluk,
Tirunelveli,
Tirunelveli District.
- 4.The President,
Idaikal Village Panchayat,
Idaikal,
Ambasamudram Taluk,
Tirunelveli District-627 602.



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5.The District Environmental Engineer,
Tamilnadu Pollution Control Board,
Tirunelveli,
Tirunelveli District.

6.The Divisional Officer,
Fire and Rescue Services,
Tirunelveli,
Tirunelveli District.

7.The Vice President,
Idaikal Village Panchayat,
Idaikal, Ambasamudhram Taluk,
Tirunelveli District.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the impugned order, dated 21.10.2024 made in Na.Ka.No.A2/753/2022-1 passed by the second respondent and quash the same as illegal and erroneous forthwith.

For Petitioner : Mr.S.Palanivelayutham

For RR,1,3,6 & 7 : Mr.D.Gandhi Raj
Special Government Pleader

For R5 : Mrs.Vijayakumari Natarajan
Standing Counsel

For R2 & R4 : Mr.K.S.Selvaganesan
Additional Government Pleader



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ORDER

This writ petition has been filed challenging the order passed by the second respondent, dated 21.10.2024, thereby cancelled the license of the petitioner to run Ammonia plant.

2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. The petitioner owned the property comprised in Survey No.293/1B and old survey No.836 at measuring 0.78.5 hectares and running a plant for the production of liquid Ammonia from solid state under the name and style of Malanadu Ammonia Private Limited. After obtaining necessary No Objection Certificate from all the concerned departments he obtained a proper license. All of a sudden, without conducting any enquiry, without giving any notice and without giving an opportunity of hearing to the petitioner, the license of the petitioner was cancelled by an order dated 21.10.2024 by the second respondent.



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4. Mr.D.Gandhi Raj, learned Special Government Pleader appearing for the respondents 1,3,6 & 7 would submit that the third respondent has conducted field inspection and thereafter, he recommended for cancellation of license of the petitioner on ground that the petitioner's factory causes health injuries to the general public due to non-proper maintenance. Near the petitioner's factory within 200 meters, there is a school and in order to protect the general public, the license was cancelled.

5. On a perusal of the order dated 21.10.2024 revealed that on receipt of the complaint from the general public alleging that there is a leakage in Ammonia Gas from the petitioner's factory, the third respondent made an inspection on 28.09.2024 with the help of the respondents 4 to 7 herein. On inspection, the third respondent found that the Vessel Pressure was not check every year and as per the report dated 24.07.2024 submitted by the Analysis Ambient Air Quality/Ambient Noise level Survey, the entire machineries are dusted and about to break. Therefore, it would cause serious injuries to the general public and based on the report of the third respondent, the second respondent cancelled the license of the petitioner as a temporary measure by the order dated 21.10.2024. The only ground raised by the petitioner is that the petitioner was not served with any notice and no enquiry was conducted.



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Admittedly, there was an inspection by the third respondent with the help of the respondents 4 to 7 and submitted a detailed report. After consultation with the first respondent and on the guidelines issued by the first respondent, the second respondent has rightly cancelled the license.

6. It is a temporary in nature. Therefore, the petitioner is directed to rectify the mistakes which was found during the inspection of the third respondent and to submit a report before the second respondent. On receipt of the same, the second respondent, after inspection, shall pass orders for issuance of license to the petitioner.

7. With the above direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Internet : Yes
Index : Yes/No
Speaking/Non Speaking order
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G.K.ILANTHIRAIYAN, J.

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