



W.P.(MD) No.19875 of 2017

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.19875 of 2017

and

W.M.P.(MD) Nos.16165 and 16166 of 2017

Pioneer Power Ltd.,
rep by its Chief General Manager,
Regd. Office at
705, Lakshmi Nivas
Road 3, Banjara Hills,
Hyderabad 500 034.

... Petitioner

/vs./

- 1.The District Collector,
Ramanathapuram District,
Collectorate Complex,
Ramanathapuram.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Ramanathapuram.
- 3.Block Health Supervisor
Govt. Primary Health Centre,
Uchipuli 623 534,
Mandapam Block, Ramanathapuram District.



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4. Deputy Director Health Services,
Ramanathapuram.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records relating to the impugned order bearing Notice Serial No.6/17 Public Health of the respondents 3 and 4 dated 20.10.2017 and quash the same.

For Petitioner : Mr.D.Senthil for
Mr.V.Nagarajan
For Respondents : Mr.R.Suresh Kumar
Additional Government Pleader

ORDER

The challenge in the writ petition is the penalty imposed against the petitioner under the pretext that the sanitation of the industry has not been maintained.

2. A counter affidavit has been filed by the fourth respondent/the Deputy Director Health Services, wherein it had been clearly admitted that there is a mistake on the part of the Authority with regard to the satisfaction of the maintenance of the petitioner's premises and since there has been no objection on the side of the petitioner or his representative, the order has been passed. For



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better appreciation, the relevant paragraph is extracted herein below:

“7. I submit that the averments in para 5 of the affidavit is denied as follows. It is true inspection was made on 20.10.2017 by the 4th respondent along with officials and show cause notice was issued on the same day. Hence it is mistakenly stated that the authority has satisfied with regard to the maintenance of the premises. On the other hand the petitioner nor the representative of the petitioner had not given objection at that time. Hence the 4th respondent had passed order and the 3rd respondent had informed the same.”

3. In view of the admitted fact that by mistake, the said order has been passed only on the premise that there has been no objection from the petitioner, the order impugned is set aside. In fine, the Writ Petition stands allowed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Index : Yes / No
Internet : Yes / No
mm

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K.KUMARESH BABU, J.

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