



W.P.(MD).No.30978 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 05.12.2024

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD).No.30978 of 2023

and

W.M.P(MD)No.26562 of 2023

A.Manikandan

... Petitioner

Vs.

1.The Sub-Inspector of Police,
Sattur Taluk Police Station,
Sattur, Virudhunagar District.

2.M.Rajakumari

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order of the first respondent in Na.Ka.No.12/D7/PS/STR/2023, dated 17.11.2023 and quash the same as illegal and unconstitutional consequently forebear the first respondent from interfering in the petitioner's business activity of limekiln at in S.No.681, O.Mettupatti Village, Sattur Taluk, Virudhunagar District.

For Petitioner : Mr.J.Pooventherarajan

For R-1 : Mr.S.Ravi
Additional Public Prosecutor

For R-2 : Mr.M.Kannan



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ORDER

This writ petition has been filed challenging the proceedings of the first respondent, dated 17.11.2023 and for a consequential direction to the respondents not to interfere with the business activity of the petitioner.

2.Heard Mr.J.Pooventherarajan, learned counsel appearing for the petitioner, Mr.S.Ravi, learned Additional Public Prosecutor appearing for the first respondent and Mr.M.Kannan, learned counsel appearing for the second respondent.

3.The main dispute in this case is that the second respondent is having a petrol bunk and an attempt is being made to establish a limekiln adjacent to the petrol bunk. According to the second respondent, it can cause an explosion since petrol is a combustible material.

4.The learned counsel for the petitioner submitted that the petitioner has not even started the business and only the construction was put up and even at that stage, the first respondent has proceeded to pass an order.



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5. In the considered view of this Court, the dispute in this writ petition is confined to the running of the limekiln in the property by the petitioner. Obviously, the petitioner cannot run the business without getting the proper sanction/permission from the concerned authority. Hence, the grievance of the second respondent is in the realm of apprehension that the petitioner may start the limekiln.

6. The petitioner will not run any limekiln without getting the proper permission/sanction from the appropriate authority and if any such process is undertaken, the objections of the second respondent must be taken into consideration. If in case, the petitioner runs the business without permission, it is always left open to the first respondent to take appropriate action and close the business. This clarity will sufficiently take care of the grievance expressed by the petitioner and the second respondent.

7. This Writ Petition is disposed of in the above terms. No costs. Consequently, connected miscellaneous petition is closed.



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Index :Yes/No
Internet : Yes/No
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N.ANAND VENKATESH.J.,

sjj

To

- 1.The Sub-Inspector of Police,
Sattur Taluk Police Station,
Sattur, Virudhunagar District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

**Order made in
W.P.(MD).No.30978 of 2023**

Dated : 05.12.2024