



Crl.R.C.No.1346 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C.No.1346 of 2025
and Crl.M.P.Nos.15204 and 16334 of 2025
and Cont.P.No.2801 of 2025

Crl.R.C.No.1346 of 2025:-

P.Rayin

... Petitioner

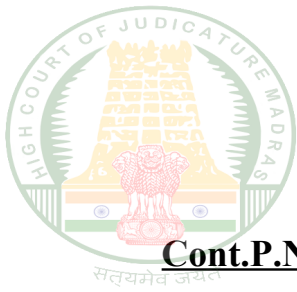
Vs

The Sub Divisional-Magistrate
cum Revenue Divisional Officer,
Gudalur,
The Nilgiris District.

... Respondent

PRAYER: Criminal Revision Case is filed under Section 438(1) read with Section 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the impugned order dated 04.08.2025 bearing No.B1/11252361/2025 passed by the respondent.

For Petitioner : Mr.R.John Satyan
Senior Counsel
for Mr.Meiyyappan Mohan
For Respondent : Mr.Haja Nazirudeen
Additional Advocate General
assisted by Mr.A.Gopinath
Government Advocate (Crl.side)



Crl.R.C.No.1346 of 2025

Cont.P.No.2801 of 2025:-

WEB COPY

P.Rayin

... Petitioner

Vs

S.K.Gunasekaran
The Sub Divisional-Magistrate
cum Revenue Divisional Officer,
Gudalur,
The Nilgiris District.

... Respondent

PRAYER: Contempt Petition filed under Section 11 of Contempt of Courts Act, 1971, to punish the respondent herein for wilful disobedience of the order dated 08.08.2025 passed in Crl.M.P.No.15204 of 2025 in Crl.R.C.No.1346 of 2025.

For Petitioner : Mr.R.John Satyan
Senior Counsel
for Mr.Meiyyappan Mohan
For Respondent : Mr.Haja Nazirudeen
Additional Advocate General
assisted by Mr.A.Gopinath
Government Advocate (Crl.side)

COMMON ORDER

Crl.R.C.No.1346 of 2025 has been filed as against the order passed by the respondent dated 04.08.2025 bearing No.B1/11252361/2025.

2. Cont.P.No.2801 of 2025 has been filed to punish the respondent herein for wilful disobedience of the order dated 08.08.2025 passed in Crl.M.P.No.15204 of 2025 in Crl.R.C.No.1346 of 2025.



Crl.R.C.No.1346 of 2025

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

4. The petitioner owned a Hot Mix Plant situated at S.F.No.112, 1E1, A1, Devala Village, Gudalur Taluk, Nilgiris District, which is used for manufacture of Bitumen mixed blue metal aggregate jelly. According to the petitioner, in order to close down the Plant, the respondent is repeatedly taking action as against the petitioner, though the petitioner carries the business with license and approvals from all concerned departments. The officials also instigated a group of people to conduct a protest outside the factory premises. Pursuant to which an order was passed under Section 133(1)(b) of Cr.P.C dated 12.12.2023, thereby directing to close the Plant. It was challenged before this Court in Crl.R.C.No.2158 of 2023 and it was set aside by this Court, by an order dated 22.12.2023. While being so, the respondent passed an order under Section 152(2) and (6) of BNSS, on 04.08.2025, thereby sealing the petitioner's premises and directed to register FIR against the petitioner. The respondent also threatened to demolish the entire premises.



WEB COPY

5. The learned Senior Counsel appearing for the petitioner submitted that there is no provision under Section 152(6) of BNSS. Without the application of mind, the respondent had mechanically passed an order that too without giving any notice. Though in the impugned order, Reference No.2 is mentioned as notice dated 01.08.2025, the same was not served on the petitioner before passing the order. That apart, the respondent also failed to pass any preliminary order before passing the order under Section 152(2) and (6) of BNSS, 2023.

6. A perusal of the vacate stay petition, on the counter filed by the respondent and on the submissions made by the learned Additional Advocate General appearing for the respondent revealed that the petitioner had violated the rules mandated over his Plant. In fact, a writ petition has been filed as against the petitioner in W.P.No.1207 and 2483 of 2023 before this Court making serious allegations as against the petitioner's unit. The writ petitions were disposed of to consider the representations. In view of the directions issued by this Court, the respondent passed an order under Section 133(1)(b) of Cr.P.C, thereby directing the petitioner to close the entire unit.



WEB COPY

7. Though the said order was set aside by this Court, there was agitation by the general public and also conducted road roka against the petitioner's unit for violations of conditions. While being so, on 28.07.2025, a structural incident of collapse of retaining wall maintained by the petitioner had occurred. Therefore, so many complaints were received from the adjacent land owners. Hence, on 29.07.2025, a preliminary inspection of the site was conducted and found that there was violations and non-compliance of conditions. Therefore, the impugned order dated 04.08.2025 was passed by the respondent.

8. The respondent wrongly mentioned the provision as 152(6) and it is only a typographical error. After inspection, the report was submitted before the District Collector, Nilgiris by the District Engineer, Tamil Nadu Pollution Control Board, Udagamandalam. As per the report, the petitioner agreed for shifting of the existing Hot Mix Plant to new location. On the one hand, the petitioner agreed to shift the entire Plant to new location and on the other hand, challenged the order dated 04.08.2025. The petitioner failed to comply with the conditions. Though the petitioner was given direction to clear the debris of he collapsed wall, the petitioner did not clear the same till today.



WEB COPY

9. The learned Senior Counsel appearing for the petitioner submitted that the entire premises is now under lock and key and as such, the petitioner is unable to remove the debris. He further submitted that the vehicles are also kept under lock and key inside the premises. Though in the impugned order, Reference No.2 is mentioned as notice dated 01.08.2025, the same was not served on the petitioner before passing the order. That apart, the respondent also failed to pass any preliminary order and it is a clear violation of Principles of Natural Justice.

10. Considering the facts and circumstances of the case, the impugned order cannot be sustained and is liable to be set aside. Accordingly, the order passed by the respondent dated 04.08.2025 bearing No.B1/11252361/2025 is hereby set aside, on condition that the petitioner shall remove all the debris of collapsed wall, within a period of two days from today. The respondent is directed to permit the petitioner to remove the debris by using their vehicles which are kept inside the premises. It is also made clear that the petitioner shall not commit any activities at the Hot Mix Plant except removal of vehicles. The respondent is directed to conduct fresh enquiry after



Crl.R.C.No.1346 of 2025

giving an opportunity of hearing to the petitioner and pass fresh orders, within a period of two weeks from the date of receipt of a copy of this order. It is also made clear that after clearing the debris by the petitioner, the respondent is directed to keep the premises under lock and key.

11. Accordingly, Crl.R.C.No.1346 of 2025 stands allowed. Consequently, connected Miscellaneous petitions are closed.

12. In view of the order passed in Crl.R.C.No.1346 of 2025, the contempt petition in Cont.P.No.2801 of 2025 is closed.

28.08.2025

Internet: Yes
Index: Yes/No
Speaking/Non speaking order

*Note: Issue order copy today
i.e., on 29.08.2025*

mn



WEB COPY



Crl.R.C.No.1346 of 2025

G.K.ILANTHIRAIYAN. J.

mn

To

1. The Sub Divisional-Magistrate
cum Revenue Divisional Officer,
Gudalur,
The Nilgiris District.
2. The Public Prosecutor,
High Court, Madras.

Crl.R.C.No.1346 of 2025
and Cont.P.No.2801 of 2025

28.08.2025