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WP No. 45640 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-11-2025

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THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

WP No. 45640 of 2025

and

W.M.P.No.50854 of 2025

1. E.Ashok Kumar
S/o.Eswaran, No.1/268,
N.G.G.O.Colony, Natarajapuram,
Kurupanaickenpalayam, Erode,
Tamil Nadu- 638 301.

Petitioner(s)

Vs

1. The District Collector,
District Collectorate, Erode,
Tamil Nadu-638 011.

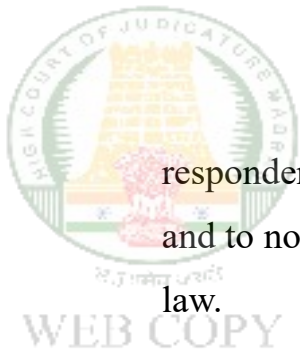
2.The Block Development Officer,
Kurupanaickenpalayam Panchayat,
Bhavani Erode, Tamil Nadu-638 301.

3.The Panchayat Secretary,
Kurupanaickenpalayam Village,
Kurupanaickenpalayam, Bhavani,
Tamil Nadu-638 301.

Respondent(s)

PRAYER

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records and quash the proceedings relating to the notice made by the 2nd respondent vide Na.Ka.No.2436/2025/AA1 dated 07.11.2025 and consequently, direct the



respondents 1 to 3 to consider the petitioner's representations dated 08.11.2025 and to not take any coercive steps for a stipulated time frame in accordance with law.

For Petitioner : Mr.G.C.Nelson Britto
For Respondents : Mr.M.Shajahan
Special Government Pleader
(For R1)

Mr.L.S.M.Hasan Fizal
Additional Government Pleader
(For R2)

ORDER

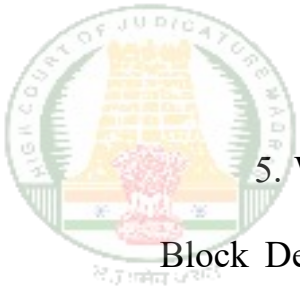
The petitioner challenges the impugned notice passed by the 2nd respondent, whereby his industry has been sealed, and seeks for a direction to be given to respondents 1 to 3, to consider his representations.

2. The admitted facts are the petitioner was running a yarn business under the name and style of M/s.Ashok Kumar Tapes & Ropes. He had commenced the business without getting a trade license or permission, as required under Section 160 of the Tamil Nadu Panchayats Act of 1994. One of his neighbours, named Mr.G.S.Govindarajan, filed a writ petition before this Court, stating that the Block Development Officer of Kuruppanaickenpalayam was not initiating any action against the petitioner, despite the breach of the Tamil Nadu Panchayats Act.



3. The Hon'ble Mr. Justice J. Sathya Narayana Prasad passed an order in ***W.P.No.6552 of 2025 (G.S.Govindarajan Vs. The District Collector) on 26.02.2025***, directing the Block Development Officer to conduct an enquiry into the representation made by Mr. Govindarajan. The learned Judge also directed that, prior to concluding the enquiry, the concerned authority should issue notice not only to the petitioner, but also to the writ petitioner herein. Despite this order having been passed, no action was initiated by the respondents. This constrained the writ petitioner therein, Mr. Govindarajan, to move a Contempt Petition in Contp.No.3048 of 2025. As allegations were made to the effect that the petitioner is indulging in a polluting industry, the Tamil Nadu Pollution Control Board was impleaded as a party and an inspection was directed to be conducted.

4. The Pollution Control Board conducted an inspection and concluded that the yarn industry falls under the "White Category" of the industrial sector, and that there is no necessity to obtain a license from the Pollution Control Board authorities. After receipt of the report, the Block Development Officer issued a notice to the petitioner, calling upon him to submit his explanation within 15 days. This order was passed on 09.10.2025. No final orders were passed on account of the fact that the writ petitioner herein did not cooperate with the disposal of the enquiry proceedings.



5. When the matter came before this Court on 07.11.2025, I directed the Block Development Officer to conclude the enquiry, without waiting for the writ petitioner to produce the records. This is because the order of this Court dated 26.02.2025, had given a time bound direction to the Block Development Officer to conclude the proceedings.

6. After having been reminded of his statutory duties, the Block Development Officer has passed the impugned order, holding that as the petitioner does not possess the necessary license, it is contrary to the provisions of the Tamil Nadu Town and Country Planning Act and Panchayat Act. This order is put to challenge in the present writ petition.

7. I heard Mr.G.C.Nelson Britto for the writ petitioner and Mr.M.Shajahan, learned Special Government Pleader for the 1st respondent and Mr.L.S.M.Hasan Fizal, learned Additional Government Pleader for the 2nd respondent.

8. The narration of the facts goes to show that the petitioner was indulging in operating a yarn industry without obtaining permission from the appropriate authorities. The industry was being run in a residential locality, namely, N.G.G.O. Colony at Natarajapuram, Kuruppanaickenpalayam, Erode District. Under Section 160 of the Tamil Nadu Panchayats Act, there is a



statutory prohibition directed against any person, who attempts to run an industry or business, which utilises steam power, electrical power, or mechanical power in the course of the industry, without the permission of the Panchayat Union Council. The nature of the industry of the petitioner obviously requires electrical energy to run the industry. The act of the petitioner in running the industry without permission cannot be countenanced by this Court.

9. Furthermore, the plea of natural justice does not lie in the mouth of the petitioner for a simple reason that despite the 2nd respondent having given several opportunities to the petitioner to produce records, he had failed to do so. A person, who does not appear before the authority when called upon, cannot turn around and plead before this Court that his right to be heard has been violated. When an opportunity is granted and goes unavailed, no one else is to be blamed other than the petitioner himself. Since the petitioner does not have the license to run the industry, I do not find any reason to interfere with the impugned order. Consequently, the writ petition is dismissed.

10. Mr.Nelson Britto pleads that this order should not stand in the way of the petitioner to apply for a license and to run the industry thereafter. This order only upholds the impugned order, by which the petitioner has been prohibited from running a industry, without license. The impugned order and the order passed by this Court in this writ petition will not stand in the way of the



petitioner to apply for a license, obtain the same and thereafter, recommence his business, if it is so permitted by law.

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11. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

25-11-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The District Collector
District Collectorate, Erode, Tamil
Nadu-638 011.

2. The Block Development Officer
Kurupanaickenpalayam Panchayat,
Bhavani Erode, Tamil Nadu-638 301.

3. The Panchayat Secretary
Kurupanaickenpalayam Village,
Kurupanaickenpalayam, Bhavani,
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V.LAKSHMINARAYANAN, J.

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