



W.P.(MD).No.6322 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.6322 of 2025

and

W.M.P.(MD)Nos.4663 and 4664 of 2025

R.T.Raja Kumar

... Petitioner

-VS-

The Executive Officer,
Thiruvattar Grade-I Town Panchayat,
Kolvel, Thiruvarambu,
Kanyakumari District.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records pertaining to the impugned order of the respondent vide his proceedings in Na.Ka.No.74/24/A1 dated 05.02.2025 and quash the same as illegal.

For Petitioner : Mr.H.Mohammed Imran

For Respondent : Mr.D.Sadiq Raja,
Addl. Govt. Pleader



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ORDER

This writ petition has been filed challenging the impugned order of the respondent vide his proceedings in Na.Ka.No.74/24/A1 dated 05.02.2025, thereby directed the petitioner to shift his business premises within 15 days, for running his business in the residential area.

2. The case of the petitioner is that, the petitioner is running his rubber sheet business in his property and only on the complaint given by the adjacent owner of the petitioner due to the proximity squabbles between them, the impugned order came to be passed.

3. The learned counsel appearing for the petitioner would submit that the petitioner is running the rubber sheet business only with proper permission from the authority concerned. He would also submit that no notice or opportunity of hearing was given to the petitioner before passing the impugned order and there is violation of principles of natural justice and hence, the impugned order is liable to be dismissed and the matter may be remitted back to the respondent to pass a fresh order, after affording opportunity of hearing to the petitioner.



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4. The learned Additional Government Pleader appearing for the respondent has also not disputed for the submission made by the learned counsel appearing for the petitioner.

5. Admittedly, no notice or opportunity of hearing was given to the petitioner before passing the impugned order and hence, there is a clear violation of principles of natural justice. In view of the same and also considering the submissions made on either side and also considering the facts and circumstances of this case, the impugned order dated 05.02.2025 is hereby set aside and the matter is remitted back to the respondent. The respondent is directed to consider the case of the petitioner on merits and pass fresh orders on merits and in accordance with law, as expeditiously as possible, preferably, within two months from the date of receipt of a copy of this order, after affording fair opportunity of hearing to the petitioner and other necessary parties, who may be interested in the subject matter. It is also made clear that this Court has not expressed any opinion on the merits of the case and that it is open to the respondent to consider the same on its own merits. The petitioner is also directed to fully cooperate with the respondent.



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6. In the result, the Writ Petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

18.03.2025

NCC : Yes/No
Index : Yes / No
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VIVEK KUMAR SINGH, J.

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Order made in
W.P.(MD)No.6322 of 2025

Dated:
18.03.2025