



W.P.(MD) No.16073 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.16073 of 2025

and

W.M.P.(MD) Nos.12167, 12168 and 12171 of 2025

C.Jisha Philo

... Petitioner

/vs./

The Municipal Commissioner,
Kuzhithurai Municipality,
Kuzhithurai,
Kanyakumari District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining the the impugned order passed by the respondent through his proceedings in proceedings in Na.Ka.No.1009/2025/ H1 dated 06.06.2025 and to quash the same and consequently direct the respondent to remove the lock and seal from the petitioner Hollow Bricks unit 'Olive Hollow Bricks and Designs' situated in Survey No. B4/171, Kuzhithurai Municipality, Kuzhithurai, Kanyakumari District.

For Petitioner : Mr.R.Sreenivasan



W.P.(MD) No.16073 of 2025

WEB COPY

For Respondent : Mr.P.Athimoola Pandian
Standing Counsel

ORDER

The petitioner is before this Court against the impugned lock and seal order, dated 06.06.2025, issued by the respondent under the provisions of the Tamil Nadu Urban Local Bodies Act, 1998 and Tamil Nadu Urban Local Bodies Rules, 2023.

2.It appears that the petitioner is running a small Hollow Brick Making Unit, in respect of which certain complaints were made by the petitioner's neighbours on 14.01.2024 and 17.02.2025 before the District Collector, Kanyakumari District and to the Tamil Nadu Pollution Control Board.

3.It appears that the Pollution Control Board had issued a direction to the respondent on 02.04.2024 and had called upon the respondent to take suitable action. In pursuant to the same, the petitioner was served with two notices, dated 22.04.2025 and 15.05.2025, which has now culminated in the impugned lock and seal order, dated 06.06.2025.



W.P.(MD) No.16073 of 2025

WEB COPY

4.The petitioner appears to have given a reply to the District Collector on 19.05.2025 and with the respondent on 25.05.2025, wherein the petitioner has merely stated about the alleged personal rivalry between the petitioner and the two complainants, who had given complaints on 14.01.2024 and 17.02.2025. The petitioner however has not given a proper explanation as to why the petitioner has not obtained necessary license under the provisions of the aforesaid Act and the Rules made thereunder.

5.The learned counsel for the petitioner would submit that under the identical situation, in the context of Tamil Nadu District Municipalities Act, 1920, this Court has come to a rescue of a person like the petitioner, who was also manufacturing the hollow bricks, vide order dated 18.01.2021 in W.P.(MD) No. 14638 of 2020. It is submitted that the same will apply to the facts of this case.

6.The learned counsel also drew attention to Rules 289(1), (2) and (5) of SCHEDULE II of the Tamil Nadu Urban Local Bodies Rules, 2023.



W.P.(MD) No.16073 of 2025

WEB COPY

7.The learned Standing Counsel for the respondent, on the other hand, would submit that the petitioner has made an application *post facto*, which is enclosed in the typed set of papers. However, the same has not been received, till date, by the respondent. As such, it is submitted that the writ petition is liable to be dismissed, as the petitioner has not responded to the two notices issued on 24.04.2025 and 15.05.2025.

8.Having considered the submissions made by the learned counsel for the petitioner and the learned Standing Counsel for the respondent, this Court is inclined to come to the partial rescue of the petitioner, by quashing the impugned order and remitting the case back to the respondent to pass a fresh order on merits, within a period of two weeks from the date of receipt of a copy of this order.

9.The respondent shall also process the application if the same has been filed in accordance with the provisions of the aforesaid Rules. Needless to state, in case, the petitioner's application is rejected, the petitioner shall comply with the



W.P.(MD) No.16073 of 2025

WEB COPY

directions of the respondent. The respondent shall remove the lock and seal pending disposal of the application.

10.The Writ Petition stands allowed, accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

Index : Yes / No
Internet : Yes / No
mm

16.06.2025

To

The Municipal Commissioner,
Kuzhithurai Municipality,
Kuzhithurai,
Kanyakumari District.



WEB COPY



W.P.(MD) No.16073 of 2025

C.SARAVANAN, J.

mm

W.P.(MD) No.16073 of 2025

16.06.2025