



W.P.(MD)No.19821 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.07.2025

CORAM:

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD).No.19821 of 2024

and

W.M.P(MD).Nos.21666, 16795 and 16794 of 2024

P.Arumugam

... Petitioner

-vs-

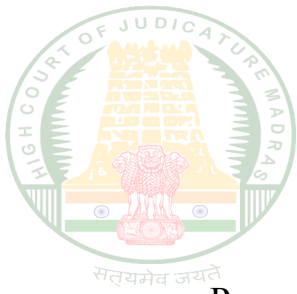
1. The District Collector,
Tenkasi District.

2. The Revenue Divisional Officer,
Sankarankovil,
Tenkasi District.

3. The Tahsildar,
Sankarankovil,
Tenkasi District.

4. The Revenue Inspector,
Veerasigamani,
Sankarankovil,
Tenkasi District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the Impugned Order in Na.Ka.No.REVSKL/2218/2023-B3 dated 01.08.2024 on the file of the Respondent No.3 as illegal and consequently for a direction, forbearing the Respondents from cancelling the assignment of house site granted in favour of the Petitioner in Plot No.2, S.No.1140, Veerasigamani Village, Sankarankovil Taluk, Tenkasi District.

For Petitioner : Mr.P.V.R.Vetrivel

For Respondents : Mr.S.P.Maharajan
Special Government Pleader

ORDER

(Order of the Court was made by S.M.SUBRAMANIAM, J.)

The List on hand has been instituted challenging the show cause notice issued by the Tahsildar Sankarankovil granting opportunity to the petitioner to submit his explanation within a period of thirty (30) days regarding the allegations of establishing a commercial shop in the residential house in the assigned land which is violative of the assignment conditions stated in the order of assignment.



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WEB COPY 2. In other words the petitioner has violated the assignment conditions and the show cause notice was issued seeking his explanations. Instead of submitting an explanation the petitioner has chosen to file the present writ petition.

3. No writ against the incompetent show cause notice is maintainable unless such notice has been issued by incompetent authority having no jurisdiction are tended with the allegation of malafide. The noticee is expected to submit his explanation if any to the authorities for the purpose of taking final decision.

4. The learned counsel for the petitioner would submit that the authorities have predetermined the issue in this context. Let us consider a show cause notice issued blanketly will be challenged on the ground that no reason has been stated in the show cause notice and allegations are not stated and therefore, the petitioner may not be in a position to submit his explanation. If reasons and allegations are stated in the show cause notice then also the writ petition is filed stating that they have pre-determined issue. Therefore, the legal brains moving the writ petitions are taking



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grounds in either way which is not entertainable since all such grounds are to be raised before the authorities for the purpose of taking final decision.

On account of large scale building violations people are suffering.

5. The State is mandated under the constitution to regulate the building/construction activities and commercial activities in order to maintain public health which is also the constitutional mandate. Protecting environment, air, water and the health of the citizens are the duties of the State and in this context various statutes are enacted to regulate the building/construction activities, commercial activities and other activities. Therefore, for running a commercial establishment a permission/license is required for construction of commercial building is also necessary permission are to be obtained from the competent authority.

6. In other words, various enactments in force are to be followed for the purpose of granting permission and any illegalities or irregularities cannot be condoned or dispense with by the Court which would result in not only unconstitutionality but would cause great prejudice to the interest of the public as the neighbours and the people residing in that locality will have suffer on account of nuisances and other mitigating factors.



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7. Any misplaced sympathy or lineancy in such matters would result in causing prejudice to the interest of the other residents in that locality.

Therefore, Courts are expected to exercise restrained in such matter where show cause notice are issued and violations are identified.

8. Since the present writ petition has been instituted challenging the show cause notice, the petitioner is at liberty to submit his explanations/defence statement if any, to the authority who in turn shall consider the same and take final decision and initiate appropriate enforcement actions thereafter, by following the procedures as contemplated under the statute rules in force.

9. With these observations, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S., J.)

(S.S.Y., J.)

04.07.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
rgm



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S.M.SUBRAMANIAM, J.

and

S.SRIMATHY, J.

rgm

To

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