



W.P(MD)No.23884 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 08.09.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.23884 of 2025

and

W.M.P.(MD)Nos.18758 and 18759 of 2025

N.K.Pandiyaraman

... Petitioner

Vs.

The Tahsildar
Taluk Office,
Manamelkudi Taluk,
Pudukkottai District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to pursuant to the respondent order in Na.Ka.No.2933/2025/A5 dated 22.08.2025 and quash the same.

For Petitioner : Mr.K.Balasundharam, Senior Counsel,
For M/s.KBS Law Office.

For Respondent : Mr.M.Lingadurai,
Spl. Government Pleader.



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ORDER

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Heard both sides.

2.The writ petitioner is running a crab shell fertilizer unit in the Village of Mudukuvayal in Idaiyathimangalam Revenue Village for more than thirty years. The respondent has issued the impugned notice calling upon the petitioner to offer his explanation. In the impugned notice, the allegation made against the writ petitioner is that he is storing acid in government poramboke land without any license. It is further alleged that the petitioner's activities constitute nuisance. It is the further stand of the respondent is that the petitioner is also causing water pollution.

3.As rightly pointed out by the learned Special Government Pleader, the impugned notices cannot be said to be without jurisdiction. Section 152(1)(a) and (b) of Bharatiya Nagarik Suraksha Sanhita, 2023 authorizes initiation of the impugned action. The petitioner can succeed only if he can show that the action is without any factual basis. The learned senior counsel is right in his contention that inspection ought to have been conducted in the presence of the petitioner and it should have



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been preceded by a formal intimation. The petitioner denies that the activities constitute nuisance. He further claims that the lands occupied by him for carrying on his commercial activities are patta lands and not poramboke lands.

4.The respondent proposes to hold such an inspection in the presence of the petitioner on 12.09.2025 from 11.00 am onwards. The petitioner will not be given any independent intimation or notice. The respondent or any other authorized official who conducts inspection will have to prepare contemporaneous notes. The entire inspection shall also be duly videographed at the cost of the petitioner. The petitioner shall retain one copy of the video recording and another copy shall be retained by the respondent. Based on the inspection notes, the respondent shall issue fresh notice to the petitioner. If the respondent is satisfied with the outcome of the inspection, it is even open to him to drop further proceedings. If the respondent issues any notice, the petitioner shall reply within a period of ten days from the date of receipt of notice. After holding summery enquiry, final order shall be passed by the respondent. If the respondent passes any adverse order, it will not be enforced



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immediately. The petitioner will be given a breathing time of three weeks therefrom to obtain relief either from the appellate authority or from the Court. It is made clear that the merits of the matter have not been gone into. These directions are issued only to ensure fairness in action.

5.This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

08.09.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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Issue order copy on 09.09.2025.

To:-

The Tahsildar
Taluk Office,
Manamelkudi Taluk,
Pudukkottai District.



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G.R.SWAMINATHAN, J.

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