



WA(MD)No.84 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.01.2026

CORAM :

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
and
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN**

**WA(MD)No.84 of 2026
and CMP(MD) No.856 of 2026**

1.The Block Development Officer,
Panchayat Union Office,
Munjarai Kanyakumari District.

2.The Special Officer/Block Development Officer,
Painkulam Village Panchayat,
Painkulam Kanyakumari District

... Appellants

Vs

S.Naveen Raja

... Respondent

PRAYER :-Writ Appeal filed under Clause 15 of Letters Patent, praying to prefer this Memorandum of Grounds of Writ Appeal against the order made in WP(MD). No.14295 of 2025 dated 22.05.2025.

For Appellants : Mr.Veera Kathiravan
Additional Advocate General
assisted by Mr.S.P.Maharajan
Special Government Pleader

For Respondent : Mr.H.Velavadhas



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JUDGMENT

WEB COPY (Judgment of the Court was delivered by Dr.G.JAYACHANDRAN, J.)

The appellant herein, the Block Development Officer/Head of the Panchayat Union, has preferred this writ appeal against the order passed by the learned Single Judge permitting the respondent to continue the operation of ice plant established in Painkulam Village Panchayat and running since 2017. The learned Single Judge, after considering the prayer in the writ petition challenging the impugned order dated 12.05.2025 passed by the appellant herein, has quashed the impugned order and permitted the respondent to continue to run the ice plant. The reasons stated for quashing the impugned order restraining the respondent from carrying on the ice plant was failure to get health certificate, certificate from Tamil Nadu Industrial Investment Corporation (TIIC) and permission from Panchayat Union. The learned Single Judge, after perusing the No Objection Certificate and other certificates obtained by the writ petitioner/respondent herein, has found that except health certificate, all other requirements have been complied with. Insofar as health certificate is concerned, the application made by the writ petitioner is under consideration by the concerned authority and they have not issued it even after lapse of several months and for that reason, the running of the plant cannot be stopped.



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2. The learned Additional Advocate General for the appellants would submit that under Section 160 of the Tamil Nadu Panchayats Act, prior permission for building as well as industry from the Union has to be obtained and in this case the respondent has not obtained the permission to run the industry and more so, the building plan granted earlier has subsequently been revoked by the resolution of the panchayat.

3. The learned counsel for the respondent would submit that the entire action has been engineered by the appellant herein due to animosity and he being the administrative head of the panchayat union has stopped collecting tax and prevented the council from issuing necessary permission for the industry. In all other aspects, the respondent has complied with the conditions. The industry, which is running for the past eight years, is now sought to be closed by the appellants herein with the malafide intention. This Court finds force in the submissions made by the learned counsel for the respondent.

4. No doubt, some of the villagers have opposed the running of the ice plant in their village and public interest litigation was filed. Pursuant to the order passed by the Division Bench of this Court in the said Public Interest



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Litigation, the respondent ice plant being inspected and found that some of the necessary certificates were not obtained by the respondent and action being taken for violation, but as on date, since the respondent has produced all the necessary certificates except the trade tax from the panchayat and license from the panchayat Union, which is fully under the control of the appellant herein, we find no reason to interfere with the running of the respondent's ice plant. Hence, we dispose of the writ appeal with a direction to the respondent to make an application for necessary license to the Panchayat Union within a period of fifteen days from the date of receipt of a copy of this judgment and on receipt of this judgment, the appellant shall process the application and grant the license, if it is in order, within a period of two months thereafter. No costs. Consequently connected Miscellaneous Petition is closed.

(G.J, J.) (K.K.R.K, J.)
29.01.2026

Index : Yes / No

Neutral Citation : Yes / No

RR

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Order made in
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