

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.02.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S. SIVAGNANAM

W.P. No.34571 of 2014

K.Vasuki

.. Petitioner

v.

The District Collector,
Cuddalore District, Cuddalore-1.

.. Respondent

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus to call for the records pertaining to the impugned order passed by the respondent in Na.Ka.C1.25851/2014 dated 03.11.2014 and quash the same as illegal, arbitrary and further direct the respondent to issue "No Objection Certificate" to the petitioner for running retail petrol bunk and for other consequential orders.

For petitioner : Mr.R.Chakkaravarthy

For respondent : Mr.S.Gunasekaran, G.A.

ORDER

Heard Mr.R.Chakkaravarthy, learned counsel for the petitioner and Mr.S.Gunasekaran, learned Government Advocate for the respondent.

2.This petition has been filed seeking direction to the respondent to issue "No Objection Certificate" to the petitioner for running retail petrol bunk.

3.According to the petitioner, all the authorities have granted permission and when the matter went before the District Collector, the District Collector passed an order without hearing the petitioner and the same is a non-speaking order. In this regard, one Mr.Chezhiyan has filed a Civil Suit No.251 of 2013 for injunction against one Karunakaran before the District Munsif Court, Chidambaram. According to him, the District Collector ought to have afford an opportunity of personal hearing to the petitioner.

4.It is seen that the petitioner has not impleaded the said Karunakaran in this case as respondent. Therefore, the correctness of the submission made by the petitioner stating that the suit is concocted cannot be gone into. However, it is evident that no enquiry was conducted prior to passing such an order, hence, the matter should be remanded to the respondent for fresh consideration.

5.Accordingly, the writ petition is allowed and the impugned order is set aside and the matter is remanded to the respondent for fresh consideration. The respondent shall issue notice to the petitioner as well as to the party, who has filed the suit, before passing the order and the respondent shall hear both the parties and pass order, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

vga

To

The District Collector,
Cuddalore District, Cuddalore-1.

1 cc to Mr.R. Chakkaravarthy, Advocate, Sr. 8911
1 cc to Government Pleader, Sr. 9150

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