

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2016

CORAM

THE HONOURABLE Mr. JUSTICE M.DURAI SWAMY

W.P.Nos.1180 to 1186 of 2016 and
W.M.P.Nos.913 to 919 of 2016

Hotel Riga Residency
Rep. by its Director
S.Eric Stephen
2, Appleby Road
Wellington Coonoor-643 232..... Petitioner in all the Cases

Vs

The Assistant Commissioner (CT)
Coonoor-643 232.

[Respondent]

Writ Petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records on the files of the respondent herein in TNLH No.03227/ 2007-08, 2008-09, 2009-10, 2010-2011, 2011-2012, 2012-2013 and to 2013-14 dated 13.08.2015 respectively and quash the same.

For Petitioner : Mr.Mahesh for
Mr.N.Inbarajan

For Respondent : Mr.S.Kanmani Annamalai, AGP (T)

C O M M O N O R D E R

The petitioner has filed the above writ petitions to issue a Writs of Certiorari, to call for the records on the file of the respondent in TNLH No.03227/ 2007-08 to 2013-14 respectively dated 13.08.2015 and to quash the same.

2. A common question that has been raised by the petitioner is that the respondent even without considering the objections filed by the petitioner had passed the impugned orders overruling the objections, without any discussion.

3. Mr.S.Kanmani Annamalai, learned Additional Government Pleader, appearing for the respondent fairly submitted that the respondent, being a quasi judicial authority, has to give a finding for overruling the objections raised by the petitioner. In these circumstances, for the reason that the respondent without considering the objections raised by the petitioner had passed the non speaking orders, which are under challenge in these writ petitions, they are liable to be set aside.

4. As rightly pointed out by the learned counsel on either side, the respondent, being a quasi judicial authority, has to give reasons for overruling the objections given by the petitioner. In these circumstances, the impugned orders dated 13.08.2015 passed by the respondent are liable to be set aside.

5. Accordingly the impugned orders dated 13.08.2015 are set aside and the matters are remanded to the respondent for fresh consideration. The respondent is directed to decide the matters afresh, after giving due opportunity of personal hearing to the petitioner and give reasons for the conclusion.

With these observations, the writ petitions are disposed of. No costs. Connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

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To

The Assistant Commissioner(CT)
Coonoor-643 232.

1 cc to Mr.N. Inbarajan, Advocate, Sr. 15952

2 ccs to Special Government Pleader (Taes), Sr. 8703 and 15978

W.P.Nos.1180 to 1186 of 2016

BVR (CO)
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