

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.1.2016

CORAM :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.250 of 2016 and WMP.No.144 of 2016

D.Rakkiappasamy, Proprietor,
Maharaja Rice Mill

...Petitioner

Vs

1.The District Collector/Inspector of
Panchayats, Tirpur District, Tirupur.

2.The Commissioner, Kangeyam
Panchayat Union, Kangeyam,
Tirupur District.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorari to call for the records of the second respondent by proceedings in Na.Ka.No.1049/2015/A4 dated 23.12.2015 and quash the same.

For Petitioner : Mr.P.Saravana Sowmiyan

For Respondent-1 : Mr.R.Rajeswaran, SGP

For Respondent-2 : Mr.I.Arockiasamy, GA

ORDER

Mr.S.Rajeswaran, learned Special Government Pleader takes notice for the first respondent. Mr.I.Arockiasamy, learned Government Advocate takes notice for the second respondent. By consent, the writ petition itself is taken up for final disposal.

2. The petitioner, claiming to be a proprietor of a rice mill, has challenged the proceedings issued by the second respondent calling upon the petitioner to remit the penalty amount of Rs.10,000/- on the ground that the petitioner does not possess a valid licence. The petitioner has been given seven days' time to remit the licence fee of Rs.10,000/- failing which, he has been informed that the electricity supply to the rice mill would be directed to be disconnected and the rice mill would be locked and sealed.

3. The learned counsel for the petitioner submitted that the petitioner has remitted the licence fee and he is in possession of the receipt dated 9.2.2015 bearing receipt No.21343.

4. However, the mistake committed by the petitioner is that he did not respond to the show cause notice dated 19.11.2015. Therefore, the petitioner invited the problem on account of his failure either to send a reply to the show cause notice or to appear before the Authority concerned to produce the proof that he had remitted the licence fee. In any event, it is for the Authority concerned to be satisfied as to whether the petitioner has complied with the provisions of relevant statute.

5. Hence, while rejecting the prayer to quash the impugned proceedings, the petitioner is directed to appear before the second respondent within two weeks from the date of receipt of a copy of this order and produce necessary records to prove that he has a valid licence and remitted the licence fee for the relevant period. If the second respondent is satisfied that the petitioner has complied with the terms and conditions stipulated under the statute, appropriate orders may be passed on merits and in accordance with law.

6. The writ petition is accordingly disposed of. No costs. Consequently, the above WMP is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1.The District Collector/Inspector of Panchayats,
Tirpur District, Tirupur.

2.The Commissioner, Kangeyam Panchayat Union,
Kangeyam, Tirupur Dist.

+1cc to Mr.P. Saravana, Advocate, S.R.No.788

+1cc to the Government Pleader, S.R.No.998

JSV(CO)
EU(08/01/2016)

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