

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.11.2016

CORAM:

THE HON'BLE MR.JUSTICE M.S.RAMESH

W.P.No.16287 of 2013

and M.P.Nos.1 and 2 of 2013

P.Patchamuthu

.. Petitioner

Vs

The District Revenue Officer & Additional District,
Executive Magistrate,
Ariyalur,
Ariyalur Taluk & District.

... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus calling for the records relating to the proceedings of the respondent in Mu.Mu.C3/14357/2011 dated 25.04.2012 and quash the same and consequently restore the Sulphur license No.1/XI/PER/2003 in favour of the petitioner and to grant renewal of license for further period of three years from 01.01.2012, within the time frame.

For Petitioner : Mr.G.Sankaran

For Respondent : Mr.R.Govindasamy
Special Government Pleader

O R D E R

The petitioner has been filed to issue a writ of Certiorarified Mandamus calling for the records relating to the proceedings of the respondent in Mu.Mu.C3/14357/2011 dated 25.04.2012 and quash the same and consequently restore the Sulphur license No.1/XI/PER/2003 in favour of the petitioner and to grant renewal of license for further period of three years from 01.01.2012, within the time frame.

2. Heard Mr.G.Sankaran, learned counsel appearing for the petitioner and Mr.R.Govindasamy, learned Special Government Pleader appearing for the respondent.

3. The petitioner was granted with Sulphur License No.1/XI/PER/2003 for the period up to 31.12.2003. Subsequently, the license was periodically extended. By an order dated 25.04.2012, the respondent had rejected the petitioner's request for renewal of license and while doing so, they had also cancelled the original license dated 12.05.2003. Challenging the same, the petitioner is before this Court.

4. The learned counsel appearing for the petitioner would submit that no show cause notice was given prior to cancelling of the Sulphur license, though he had been acting upon the same for the past ten years. Furthermore, the learned counsel would submit that the documents relied upon by the respective parties, rejecting the license for cancellation, original license was not furnished to him.

5. On a perusal of the impugned order dated 25.04.2012, there is no communication or prior notice given to the petitioner, before cancellation of the original licence. Likewise, as rightly pointed out by the learned counsel for the petitioner, the respondent had relied upon the letter issued by the Food Analyst, King Institute, Chennai, which has not been furnished to the petitioner in advance.

6. Under such circumstances, it would be appropriate that a direction be given to the respondents to give adequate opportunity to the petitioner to put forth his objections before any final order is taken in connection with the original licence of the petitioner.

7. In view of the same, the impugned order dated 25.04.2012 passed by the respondent, for cancelling the petitioner's license is set aside and the entire issue is remanded back to the respondent to consider afresh after giving prior show cause notice to the petitioner calling for explanation. The respondent is also directed to furnish the copy of the report issued by the Food Analyst, King Institute, Chennai, to the petitioner which is relied upon by them in the said order dated 25.04.2012. On receipt of the explanations, the respondent shall consider the objections raised by the petitioner and pass final orders within six weeks from the date of receipt of the petitioner's explanation to the show-cause notice.

8. Accordingly, this writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

kkd

Sd/-

Assistant Registrar

/TRUE COPY/

Sub-Assistant Registrar

To

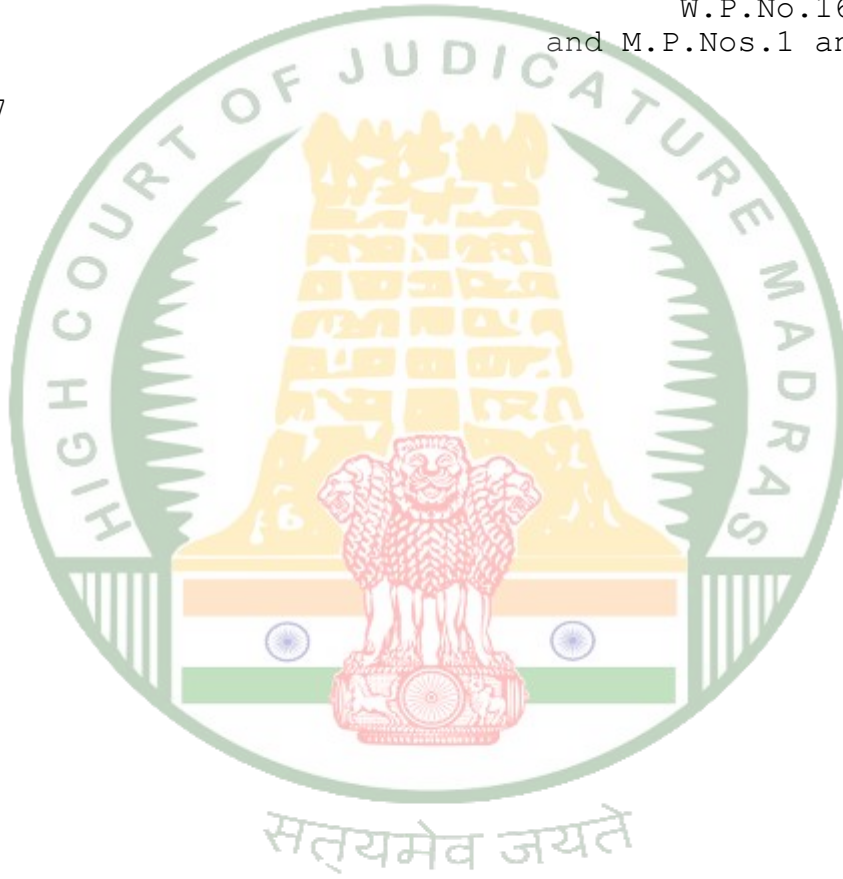
1.The District Revenue Officer & Additional District,
Executive Magistrate,
Ariyalur, Ariyalur Taluk & District.

+1CC to MR.G.SANKARAN Advocate SR.NO.66385

+1CC to the Govt. Pleader, High Court, Madras, SR.NO.66164

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EV[CO]
MK:03/01/2017



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