



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.11.2016

CORAM :

THE HON'BLE Dr.JUSTICE S.VIMALA

W.P(MD)No.21761 of 2016

M.Jaffar Khan

... Petitioner

Vs.

1.The Municipal Commissioner,
Kuzhithurai Municipality,
Kuzhithurai,
Kanyakumari District.

2.The Food Safety Officer (in charge)
Melpuram Block,
Melpuram,
Kanyakumari District.

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying for issue a Writ of Certiorarified Mandamus to call for the records pertaining to the Impugned Order in Na.Ka.No.2612/2016/A2 dated 24.10.2016 on the file of respondent No.1 and quash the same as illegal and consequently direct the Respondent No.1 to issue D & O License for the petitioners Beef Stall situated at Door No.24-35/B9 Sapathu Road, Vettuvanni, Marthandam Post, Kanyakumari District within the time stipulated by this Court.

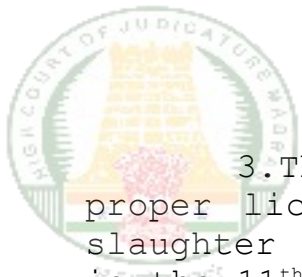
For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.V.R.Shanmuganathan
Special Government Pleader

ORDER

This Writ petition has been filed challenging the order of the first respondent dated 24.10.2016, under which, the licence issued to the petitioner has been cancelled, based on the report of the Food Safety Officer. dated 12.10.2016.

2.Heard the learned counsel for the petitioner and the learned Special Government Pleader, who takes notice for the response of the respondent. By consent, the Writ Petition itself is taken up for final disposal at the stage of admission.



3.The petitioner is running a beef stall after obtaining proper licence. On 11.10.2016, few persons objected for the cow slaughter in his butcher shop and on 12.10.2016, one Rajasekar who is the 11th ward member of Kuzhithurai Municipality, threatened the petitioner to vacate the business premises.

4.The case of the petitioner is that the petitioner has got valid licence and the business is being done in a very hygienic manner. In paragraph - 4 of the affidavit, it is specifically stated that prior to every slaughter, the veterinary surgeon attached to the Veterinary hospital, Kuzhiturai, inspects the premises and ensure that the animals are fit for slaughter. The material is processed under sanitary conditions and then only it is supplied to the customers. Under such circumstances, the order passed by the authorities, cancelling licence, without even issuing show-cause notice to the petitioner is liable to be set aside.

5.A mere perusal of the impugned order would go to show that without providing an opportunity of hearing to the petitioner, the order is passed. Therefore, the impugned order dated 24.10.2016 is set aside and the matter is remitted back to the first respondent. The first respondent is directed to decide the matter, after issuing notice and providing opportunity of hearing to the petitioner.

6.The Writ petition is ordered accordingly. No costs. Consequently, WMP(MD)Nos.15557 and 15558 of 2016 are closed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

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To

1.The Municipal Commissioner,
Kuzhithurai Municipality,
Kuzhithurai, Kanyakumari District.

2.The Food Safety Officer (in charge)
Melpuram Block, Melpuram,
Kanyakumari District.

+1cc to Mr.T.Lajapathi Roy Advocate Sr.No. 69142

+1cc to Spl.Government Pleader Sr.No. 69293

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