



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 14.12.2016
CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

WEB COPY

W.P.(MD) No.7561 of 2013
and
M.P.(MD) Nos.1 & 2 of 2013

G.Pandi

... Petitioner

-vs-

1.The Commissioner
Vathirayirupu Panchayat Union
Vathirayirupu, Srivilliputhur Taluk
Virudhunagar District

2.The Block Development Officer
Vathirayiruppu, Srivilliputhur Taluk
Virudhunagar District

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of writ of certiorari to call for the records pertaining to the impugned tender notice in Na.Ka.A2/448/2012, dated 08.04.2013 and the consequential order, dated 19.04.2013, on the file of the first respondent and quash the same as illegal.

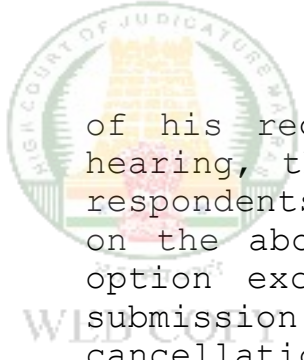
For Petitioner : Mr.T.Lajapathi Roy
For Respondents : Mr.M.Alagadevan
Spl. Govt. Pleader

O R D E R

The grievance of the petitioner is that the first respondent had cancelled his registration as Class-II Contractor, by way of a resolution, dated 19.04.2013. The main ground raised by the petitioner is that no prior notice was issued to him, when his registration was cancelled.

2. Heard Mr.T.Lajapathi Roy, learned counsel appearing for the petitioner and Mr.M.Alagadevan, learned Special Government Pleader appearing for the respondents.

3. When the writ petition came up for hearing on 05.12.2016, this Court had directed the learned Special Government Pleader appearing for the respondents to take instructions as to whether any prior notice was issued to the petitioner before cancellation



of his registration. Today, when the matter was taken up for hearing, the learned Special Government Pleader appearing for the respondents submitted that the respondents have not instructed him on the above aspect. Under such circumstances, I have no other option except to proceed further by accepting the petitioner's submission that no prior notice was issued to him before cancellation of his registration. It is needless to point out that any order passed affecting the petitioner's right, without prior notice, amounts to violation of principles of natural justice. On this short point, this writ petition deserves to be allowed.

4. In the result, the writ petition is allowed and the impugned resolution, dated 19.04.2013, passed by the first respondent, is set aside. However, the first respondent is granted liberty to issue a fresh show-cause notice to the petitioner calling upon his objections for any action to be taken and on receipt of the same, the first respondent shall give due opportunity to the petitioner, before taking any final decision on the same. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To:

- 1.The Commissioner,
Vathirayirupu Panchayat Union,
Vathirayirupu, Srivilliputhur Taluk,
Virudhunagar District.
- 2.The Block Development Officer,
Vathirayiruppu, Srivilliputhur Taluk,
Virudhunagar District.

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