

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.42933 OF 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking a writ of mandamus to declare the action of the 1st respondent in issuing notice dated 06.12.2016 as illegal and arbitrary, and consequently, set aside the same.

The main contention raised by the learned counsel for the petitioner is that the impugned order issued by the 1st respondent invoking the provision under Section 278 of Cantonment Act, 2006 (for short 'the Act') in view of non-obtaining the licenses under Section 277 of the Act, is not applicable to the shop/premises of the petitioner which do not come within the purview of Section 277 of the Act.

The learned standing counsel appearing on behalf of the 1st respondent submitted that as per the provisions of the Act, in respect of every trade or establishments within the jurisdiction of the 1st respondent, the person should obtain license from the 1st respondent. Even though show-cause notice is issued, the petitioner has not replied and the contention of the petitioner that his shop/premises is closed without prior intimation or without serving any notice to the petitioner is not correct.

This Court heard the arguments and perused the material available on record.

Without expressing any opinion regarding the applicability of provisions of Section 277 and 288 of the Act, considering the stand taken by the petitioner that no show-cause notice is issued to him, this Court is

of the view that the petitioner can be given one more chance of being heard.

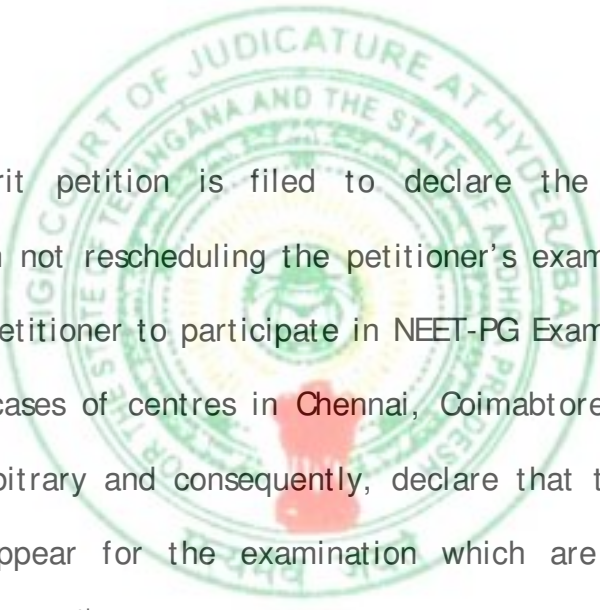
Hence, the impugned order is set aside and the petitioner is directed to prefer an application for trade license or make a representation to the 1st respondent or to give a reply to the show-cause notice, if already served to him, on or before 19.12.2016. On such application/representation or explanation filed by the petitioner, the 1st respondent is directed to take appropriate action and pass orders in accordance with law on or before 20.01.2017. Till such time, the petitioner shall be permitted to run his business/ establishment.

Accordingly, the writ petition is disposed of. No costs. Pending Miscellaneous Petitions, if any, shall stand closed.

December 09, 2016.
KTL

RAJA ELANGO, J





This writ petition is filed to declare the action of the respondents in not rescheduling the petitioner's examination and not allowing the petitioner to participate in NEET-PG Examination-2017, as was done in cases of centres in Chennai, Coimabtoe and Trichy, as illegal and arbitrary and consequently, declare that the petitioner is entitled to appear for the examination which are scheduled and rescheduled upto 13th December 2016.

It is the case of the petitioner that she could not able to attend the brought to the notice of this Court by the learned counsel for the petitioner that the issue involved in this writ petition has already been adjudicated by this Court in a batch of writ petitions viz., W.P.No.19046 of 2014 and batch, vide common order, dated 31.10.2016, and this matter is squarely covered by the said common order.

Recording the above submission, this Writ Petition is disposed of in terms of the common order, dated 31.10.2016, in W.P.No.19046 of

2014 and batch. It is made clear that if the petitioner has not made any application before the authorities concerned, he is at liberty to file an application informing the authorities as to the ticket rates, which he intend to collect in respect of all classes till adjudication of the issues in question by the respective committee. Further, the petitioner is directed to pay the taxes proportionate to the proposed rate of the tickets.

Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

December 07, 2016.
KTL

RAJA ELANGO, J



