

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.06.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.14807 of 2017
and
W.M.P.No.16050 of 2017

V.Gopal

...Petitioner.

Vs.

1. The District Collector,
Salem District.

2. District Manager/ Deputy Collector,
TASMAC Limited,
Salem.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the proceedings in S.M.NK.No.1376/A5/2017/CV dated 04.05.2017 issued by the 2nd respondent and quash the same and direct the 2nd respondent to permit the petitioner to run the Shop No.7106 situate at Door No.9/8-7 Vel Nagar, 9th Block, Trichy Main Road, Salem till 28.11.2017.

For Petitioner : Mr.R.Subramanian

For Respondents: Mr.M.Elumalai,
Government Advocate for R1
Mr.B.Nedunchezhiyan,
Standing Counsel for R2

O R D E R

The petitioner is aggrieved against the order dated 04.05.2017 issued by the 2nd respondent cancelling the license of the petitioner in respect of Bar Snacks Contract of Shop No. 7106 situate at Door No.9/8-7 Vel Nagar, 9th Block, Trichy Main Road, Salem.

2. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents.

3. The only grievance expressed before this Court by the petitioner is that the impugned order was passed in violation of the principles of natural justice as the petitioner was not heard before taking such a decision. It is further pointed out that a show cause notice was issued on 05.05.2017 after an order of cancellation impugned herein, was passed, one day earlier i.e., 04.05.2017.

4. Learned counsel appearing for the 2nd respondent is not disputing the fact that the show cause notice was issued after the final order was passed on 04.05.2017. Therefore, it is evident that the decision is taken earlier and explanation is sought for later. Thus, the violation of principles of natural justice is apparent on the face of record. Therefore, this Court is fully convinced to set aside the impugned order on the sole ground for violation of principles of natural justice. Accordingly, the writ petition is allowed and the impugned order is set aside. It is open to the respondents to initiate fresh proceedings against the petitioner in the manner known to law after following the principles of natural justice. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsi

To

1. The District Collector,
Salem District.
2. District Manager/ Deputy Collector,
TASMAC Limited,
Salem.

+lcc to Mr.R.Subramanian, Advocate, S.R.No.43196

+lcc to Mr.B.Nedunchezhiyan, Advocate, S.R.No.42944

W.P.No.14807 of 2017

SK(CO)

RS(28/06/2017)