

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2017

CORAM:
THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.11830 of 2004

J.Packiaselvi

... Petitioner

Vs.

1. The Commissioner,
Commissioner of Municipal
Administration,
Ezhilagam, Chepauk,
Chennai 600 005.
2. The Commissioner,
Avadi Municipality,
Avadi, Chennai 600 054.
3. The Town Planning Officer,
Avadi Municipality,
Avadi, Chennai 600 054. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorari, calling for the records of the 2nd respondent in his proceedings vide Na.Ka.No.1495/04/F2, dated 07.04.2004 and quash the same.

For Petitioner : Mr.R.Rajesh

For Respondents 1 & 3 : Mr.Akhil Akbar Ali,
Government Advocate

For 2nd Respondent : Mr.P.Srinivas

O R D E R

The petitioner has come up with this Writ Petition challenging the proceedings of the 2nd respondent vide Na.Ka.No.1495/04/F2, dated 07.04.2004.

2. According to the petitioner, she was appointed as a Licensed Surveyor by the 2nd respondent from 19.02.1998 till 31.03.1998. Thereafter, her license was renewed every year. She is also a licensed Surveyor for the Corporation of Chennai and other Municipalities including the office of the 2nd respondent. She has further stated that her nature of job is preparing plans

and layout for buildings and sending the same for approval by the concerned Municipality. After verification of the Plan and papers, on payment of requisite fee, the same will be approved by the concerned Municipality.

3. It is the case of the petitioner that she received a letter from the 2nd respondent vide proceedings in Na.Ka.No.1495/04/F2, dated 07.04.2004, cancelling her license as a Surveyor with effect from 07.04.2004, on the ground that she is responsible for the irregularities and revenue loss in granting building approvals for the years 2002-2003 and 2003-2004. Hence, aggrieved by the said proceedings, the petitioner is before this Court.

4. Learned counsel for the petitioner contended that before cancellation of the petitioner's license, the 2nd respondent ought to have issued a show cause notice, calling for an explanation from the petitioner. Instead, he has directly cancelled her license, which is against the principles of natural justice. It is further submitted by the learned counsel that since this Court refused to grant an interim order, the petitioner is not continuing as a licensed Surveyor from the date of passing of the impugned order.

5. Though no counter is filed by the respondents, learned Government Advocate submitted that the petitioner's representation would be considered by the respondents and the authority concerned will arrive at a conclusion after affording an opportunity of hearing to the petitioner.

6. The only ground of attack in this Writ Petition is that though the petitioner was a licensed Surveyor for more than six years, without providing her an opportunity of hearing, the 2nd respondent has proceeded to pass the impugned order cancelling her license, in a capricious manner.

7. Since the petitioner was not afforded an opportunity of hearing which is against the principles of natural justice, this Court interferes with the impugned order dated 07.04.2004 passed by the 2nd respondent herein and the matter is remitted to the 2nd respondent to consider the plea of the petitioner afresh with regard to cancellation of her license. The 2nd respondent is directed to issue a show cause notice to the petitioner calling for an explanation from her and pass appropriate orders within a period of one month, after receiving the explanation from the petitioner.

8. It is made clear that the petitioner shall be given an opportunity of personal hearing by the authorities concerned. If the petitioner fails to appear on the date specified by the authorities concerned, orders can be passed based on records and the petitioner cannot take a plea that she has not been given an opportunity of personal hearing or being heard in person.

This Writ Petition is disposed of with the above direction.
No costs.

-sd/-
Assistant Registrar

/ TRUE COPY /
Sub-Assistant Registrar

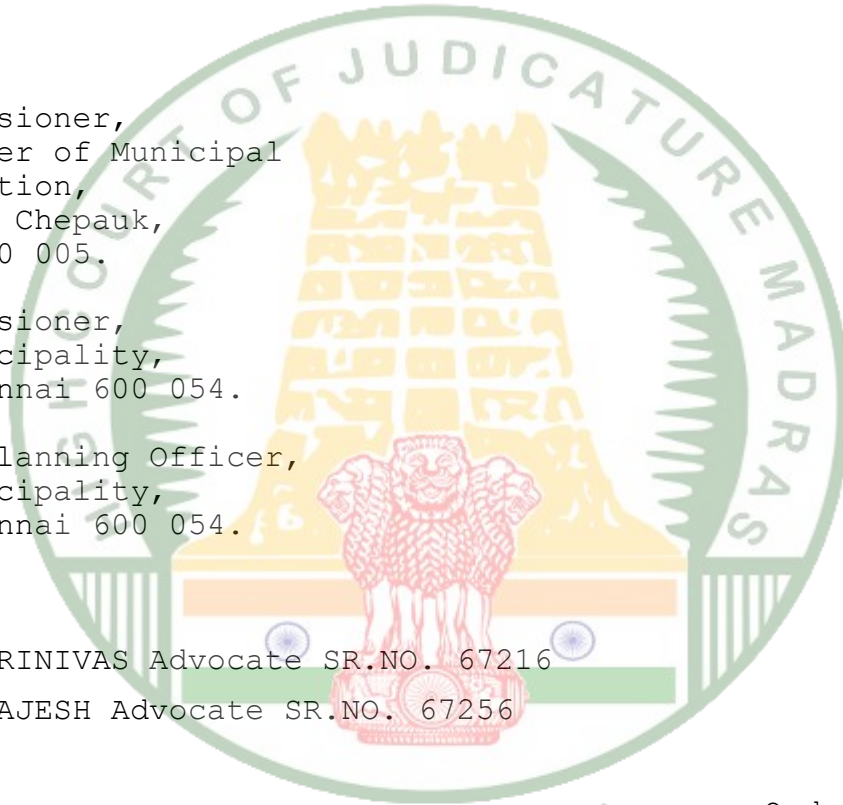
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To:

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2. The Commissioner,
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3. The Town Planning Officer,
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Avadi, Chennai 600 054.

+1 cc to MR.P.SRINIVAS Advocate SR.NO. 67216

+1 cc to MR.R.RAJESH Advocate SR.NO. 67256



सत्यमेव जयते

Order in
W.P.No.11830 of 2004

sj[col]
RD 11/10/2017

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