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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 31.01.2017
CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P. (MD) No.1234 of 2017

and

WMP (MD) Nos.1036 and 1037 of 2017

Sri.R.Marichamy

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by the District Collector,
Virudhunagar District.

2.The Revenue Divisional Officer/Sub Collector,
Sivakasi Revenue Division,
Sivakasi.

3.The Village Administrative Officer,
Vengateshwarapuram,
Srivilliputtur Taluk,
Virudhunagar District.

4.The Assistant Director,
Geology and Mining,
Collectorate,
virudhunagar - 626 001

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the 2nd respondent in impugned order Na.Ka.No.A1/996/2016 dated 02.12.2016 on the file of the 2nd respondent and quash the same as illegal.

For Petitioner : Mr.T.Thangamani

For Respondents : C.Selvaraj
Spl. Govt Pleader

ORDER

Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

2.The petitioner is aggrieved against the order dated 02.12.2016, passed by the second respondent cancelling the license issued to the petitioner for desalting the Koneri tank.



3. Though the impugned order of cancellation revealed some reasons for such cancellation, the fact remains that such cancellation was made without issuing notice to the petitioner to show cause and getting his explanation.

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4. The main grievance of the petitioner in this writ petition thus is that the principles of natural justice has been violated as the second respondent failed to issue any notice to the petitioner before passing the order of cancellation.

5. Perusal of the impugned order does not indicate anywhere about the issuance of any such show cause notice and the explanation received from the petitioner.

6. The learned Special Government Pleader is also not in a position to satisfy this Court that the impugned order came to be passed only after putting the petitioner on notice.

7. Since it is an order cancelling the license already issued to the petitioner, needless to say that he should be put on notice before cancelling such license, even assuming that some complaints are received against the petitioner. Therefore, this Court is of the view that the impugned order cannot be sustained solely on the ground of violation of principles of natural justice. It is also made clear that this Court is not expressing any view on the merits of the matter, more particularly with regard to the reasons stated in the impugned order, as it is for the petitioner to explain and satisfy the second respondent as to how such allegations are not correct. Therefore, the impugned order is set aside and the second respondent is directed to treat the impugned order as show cause notice issued to the petitioner. Consequently, the petitioner is directed to submit his explanation within a period of two weeks from the date of receipt of a copy of this order. On receipt of such explanation, the second respondent is directed to pass orders on merits and in accordance with law, within a period of two weeks thereafter.

With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Writs)

/True copy/

Sub Assistant Registrar

To

<https://hcservice.hccourt.gov.in/>
The State of Tamil Nadu,
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Srivilliputtur Taluk,
Virudhunagar District.

4.The Assistant Director,
Geology and Mining,
Collectorate,
virudhunagar - 626 001

+1cc to Mr.T.Thangamani, Advocate, SR.No:5058

+1cc to Spl. Govt. Pleader, SR.No:5317

skn

AE/CM MSA/14.02.2017/3P/7C

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