



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P (MD) No.16105 of 2017

Pandiammal

... Petitioner

Vs.

1. The District Collector,
Sivagangai.

2. The Block Development Officer (Village Panchayat),
Manamadurai Union Office,
Manamadurai Town & Taluk,
Sivagangai District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified mandamus to call for the records relating to the proceedings of the 2nd respondent in Na.Ka.B4/2054/2017 dated 07.08.2017 and quash the same, and consequently 2nd respondent may be directed to renew the petitioner's licence for another one year period i.e. 2017 to 2018 after accepting her last year licence amount of Rs.1,65,000/- + 15% as licence amount and thus render justice.

For Petitioner : Mr.V.Lakshmanan

For Respondents : Mr.M.Alagathevan - R1
Special Government Pleader

: Mr.M.Rajarajan - R2

O R D E R

This writ petition has been filed, seeking to quash the impugned order dated 07.08.2017, passed by the 2nd respondent and consequently 2nd respondent may be directed to renew her licence for another one year period i.e. 2017 to 2018 after accepting her last year licence amount of Rs.1,65,000/- + 15% as licence amount.

2. It is the case of the petitioner that she is inclined to continue the contract beyond 22.06.2017 by paying necessary caution deposit as well as the rent to be fixed by the second respondent and the petitioner has submitted a representation dated



16.06.2017 to that effect even before expiry of the contract period, but the same was not considered and hence she filed a writ petition in WP(MD) No.13338 of 2017, upon which, by order dated 27.07.2017, this Court directed the 2nd respondent to consider the representation of the petitioner dated 16.06.2017, after affording an opportunity of hearing to the petitioner. Despite such direction issued by this Court, vide order dated 27.07.2017 made in WP (MD) No.13338 of 2017, without following the relevant provisions of law, the respondent has simply rejected the petitioner's petition and passed the impugned order, that too without providing an opportunity of hearing to the petitioner. Aggrieved over the same, the petitioner has come before this Court with the above said prayer.

3. The learned counsel for the petitioner has submitted that the 2nd respondent has passed the order without understanding the exact provisions of law and has not afforded any opportunity of hearing to the petitioner to put forth her contention, despite the direction issued by this Court to that effect. The said submission has not been stoutly refuted by the learned Special Government Pleader appearing for R1 and the learned Standing Counsel for R2.

4. Heard the learned counsel for the parties.

5. Having regard to the submissions made on either side, it is not in dispute that the authority concerned has not followed the direction issued by this Court on 27.07.2017 in toto and also failed to comply with the statutory provisions of the Tamil Nadu Panchayats Act, 1994, viz., Section 220(3) of the Act. In addition to the above, the direction with regard to providing of an opportunity of hearing to the petitioner before passing the order on the representation dated 16.06.2017 of the petitioner for renewal, has not been rightly acceded to by the 2nd respondent. Therefore, this Court is of the view that the impugned order passed by this Court is, on the face of it, not sustainable and is liable to be set aside.

6. Accordingly, this petition is allowed. The impugned order dated 07.08.2017 passed by the 2nd respondent is hereby set aside and the matter is remitted to the 2nd respondent for fresh consideration. It is needless to mention here that before passing the order on the representation of the petitioner, undoubtedly, an opportunity of hearing should be given to the petitioner as directed by this Court on 27.07.2017. The whole exercise shall be completed within a period of three weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(RTI)



To:

1. The District Collector,
Sivagangai.

WEB COPY

2. The Block Development Officer (Village Panchayat),
Manamadurai Union Office,
Manamadurai Town & Taluk,
Sivagangai District.

+1 cc to Mr.V.Lakshmanan , Advocate in SR.No. 78539

+1 cc to The Special Government Pleader in SR.No.78665

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AE/SKN RSK/SAR2/18.09.2017/3P/5C

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