



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD) No.17381 of 2016

and

W.M.P. (MD) Nos.12609 to 12611 and 17154 of 2016

K.A.Rangadurai

... Petitioner

Vs.

1.The Sub Collector/Sub Divisional Magistrate,
Palani, Dindigul.

2.The Palani Municipality,
rep. by its Commissioner,
Palani, Dindigul.

3.The Commissioner,
Palani Municipality,
Dindigul.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order of the third respondent in Na.Ka.No.1084/2016/A1 dated 6.9.2016 quash the same and consequently direct the respondents herein to permit the petitioner to enjoy the benefit of licence issued by the third respondent in Na.Ka.No.5949/2014/A1 dated 27.04.2015 upto 31.3.2018 in terms of the conditions made thereunder.

For Petitioner

: Mr.C.Jeganathan

For M/s.Veera Associates

For Respondents

: Mr.M.Alagathevan - R1

Special Government Pleader

: Mr.G.Arjunan - R2 & R3

Standing Counsel

O R D E R

This writ petition has been filed, seeking to quash the impugned order dated 6.9.2016, issued by the third respondent and consequently direct the respondents herein to permit the petitioner to enjoy the benefit of licence issued by the third respondent dated 27.04.2015 upto 31.3.2018 in terms of the conditions made thereunder.



2. The case of the petitioner is that he was a highest bidder for collection of entry fee for the vehicles coming into the Palani Municipality, for the period from 01.04.2015 to 31.03.2018, for a sum of Rs.3,33,00,000/- (Rupees Three Crores and Thirty Three Lakhs only), which was approved by the third respondent through a resolution dated 22.04.2015. While so, all of a sudden, the third respondent imposed a penalty of Rs.25,000/- on the ground that during inspection, it was found that there was a demand of higher rate of entry fee. Aggrieved by the same, he preferred an appeal before the third respondent, which was rejected. While so, the first respondent, on the basis of the newspaper report as well as the report of the Tahsildar with regard to collection of excess entry tax, unilaterally recommended to the third respondent to cancel the licence issued to the petitioner, pursuant to which, the third respondent, vide his impugned order dated 06.09.2016, without following the due process of law simply sought for an explanation within 24 hours. Aggrieved by the same, the petitioner has come before this Court with the above said prayer.

3. On perusal of the impugned order, it is seen that it is nothing, but a show cause notice, for which, the petitioner has to reply with all relevant documents so as to put forth his explanation.

4. At this juncture, the learned Standing Counsel for the third respondent has fairly submitted that the third respondent is inclined to give sufficient / further time to the petitioner to enable him to file his objections. In order to facilitate the petitioner to file his objections at the earliest, the learned counsel for the third respondent has also furnished a copy of the enquiry report to the learned Counsel for the petitioner across the bar today.

5. In view of the above, this petition is disposed of, with a direction to the petitioner to file his objections within a period of two weeks from the date of receipt of a copy of this order and upon filing such objections, appropriate orders shall be passed thereon, within a period of four weeks thereafter, after affording an opportunity of hearing to the petitioner. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar



To:

1.The Sub Collector/Sub Divisional Magistrate,
Palani, Dindigul.

2.The Commissioner,Palani, Dindigul.

+1cc to M/S.VEERA ASSOCIATES, Advocate SR.No.77083

+1cc to Special Government Pleader, SR.No.77666

rm

MAS/MR-KKR/SAR2:13.09.20173P-5C

W.P(MD)No.17381 of 2016
06.09.2017