



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.05.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.(MD)No.9777 of 2017

and

WMP(MD)No.7494 of 2017

V.Shanmuga Pandiyan
Proprietor,
M/s. V.Grand Hotel,
No.5, 120 Feet Road,
SVP Garden,
Mattuthavani to Surveyor Colony Road,
Madurai - 625 007.

... Petitioner

Vs.

1.The Commissioner of Prohibition and Excise,
Chepauk, Chennai-600 005.

2.The District Collector,
Madurai District,
Madurai,

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari , calling for the records relating to the impugned order passed by the 2nd respondent in his proceedings Na.Ka.No.15983/2016/X2 dated 31.03.2017, served upon the petitioner on 07.05.2017 and quash the same as illegal.

For Petitioner	: Mr. B.Saravanan
For Respondents	: Mr.B.Pugalendhi, Additional Advocate General Assisted by Mr.K.P.Krishnadhas, Government Advocate

O R D E R

This writ petition has been filed, seeking to quash the impugned order passed by the 2nd respondent in his proceedings Na.Ka.No.15983/2016/X2 dated 31.03.2017, served upon the petitioner on 07.05.2017.

<https://hccservices.in/hccservices/>

2.Heard the learned counsel on either side.



3. Though several points have been urged by the petitioner in the affidavit filed in support of this writ petition to challenge the impugned order, the main ground canvassed by the petitioner is that the impugned order has been passed without giving an opportunity of hearing to the petitioner, thereby there is a violation of principles of natural justice and therefore, on that sole ground, the impugned order is liable to be set aside.

4. In view of the above and also finding force in the contention raised by the petitioner, the impugned order dated 31.03.2017 passed by the second respondent is set aside and the matter is remitted back to the second respondent/District Collector for fresh consideration, who in turn shall pass orders within a period of four weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner and after measuring the feet from the Highways to petitioner's hotel. Till such time, the petitioner should not carry out the business.

5. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub-Assistant Registrar

To

1. The Commissioner of Prohibition and Excise,
Chepauk, Chennai-600 005.

2. The District Collector,
Madurai District, Madurai

+One cc to The Special Government Pleader, SR.No.5644

+One cc to Mr.B.Saravanan, Advocate, SR.No.57298

skn

RL/5C/2P/JC/SAR1/8.6.2017

W.P. (MD) No.9777 of 2017

25.05.2017