

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2019

CORAM

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P. No. 21483 of 2019
and
W.M.P. No. 20689 of 2019

Tmt. Soundaravalli

... Petitioner

Vs.

1. The Additional District Magistrate
and District Revenue Officer,
Nagapattinam.

2. The Additional Chief Secretary
Cum Revenue Administrative Officer,
Secretariat, Fort St. George,
Chennai - 600 009.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records pertaining to the order vide reference Ni.Mu.188491/2018/C3 dated 09.05.2019 issued by the First Respondent viz., Additional District Magistrate and District Revenue Officer, Nagapattinam, cancelling the Explosive License LE-5 bearing Licence No. 614/1985-1986 granted to the Petitioner vide letter bearing reference No. D.Dis.219232/85/03 dated 25.11.1985 and quash the same as illegal and unconstitutional.

For Petitioner : Mr. S. Giritharan

For Respondents : Mr. M. Karthikeyan,
Additional Government Pleader

O R D E R

Heard Mr. S. Giritharan, Learned Counsel for the Petitioner and Mr. M. Karthikeyan, Learned Additional Government Pleader appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed challenging the order dated 09.05.2019 passed by the First Respondent, canceling the Explosive License LE-5 bearing License No.614/1985-86 granted to the Petitioner.

3. The grievance of the Petitioner ventilated in the Writ Petition is that the License which she has been holding from the year 1985 has been canceled on a complaint from a third party, without affording any opportunity of hearing to her, in gross violation of the principles of natural justice.

4. There is nothing found from the materials borne out of the record that any prior notice has been issued to the Petitioner before passing the impugned order. As such, the impugned order cannot be sustained and has to be set aside and the First Respondent shall issue a notice of hearing to the Petitioner and after giving her opportunity to submit her explanation and hearing the concerned parties, the matter shall be decided afresh on merits in accordance with law and the decision taken shall be communicated under written acknowledgment. An endeavour shall be made to complete the aforesaid exercise within a period of two months from the date of receipt of a copy of this order.

4. Accordingly, the Writ petition is disposed on the aforesaid terms. Consequently, connected Miscellaneous Petitions is closed. No costs.

Sd/-

Assistant Registrar(CS-IV)

//True copy//

Sub Assistant Registrar

vji/gsa/vjt
To

1. The Additional District Magistrate
and District Revenue Officer,
Nagapattinam.

2. The Additional Chief Secretary
Cum Revenue Administrative Officer,
Secretariat, Fort St. George,
Chennai - 600 009

+1cc to Mr.S. Giritharan, Advocate SR.No.63421

+1cc to Government Pleader SR.No.64220

W.P. No. 21483 of 2019
and

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RJI (CO)
GMY(16/09/2019)