



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE **M.GOVINDARAJ**

WEB COPY

W.P. (MD) No.19680 of 2019
and
W.M.P. (MD) No.16153 of 2019

C.Senthilkumar : Petitioner

Vs.

The Executive Officer,
Annavasal Town Panchayat,
Pudukkottai District. : Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records pertaining to the impugned order of the respondent dated 26.08.2019 in Na.Ka.No.33/2019 and quash the same.

For Petitioner : Mr.J.Anandkumar
For Respondent : Mr.M.Rajarajan,
Government Advocate

ORDER

Challenging the order of cancellation of licence to collect charges in weekly market by the respondent, by his order dated 26.08.2019, the petitioner is before this Court.

2. The petitioner is the successful bidder for the year 2019-2020 for collecting charges in weekly market at Annavasal Panchayat, Pudukkottai District. There are lot of complaints received against the petitioner that he is collecting charges more than that fixed by the Local Authority. Despite warnings in person as well as through communication, the petitioner is not mending his attitude. Therefore, on the basis of the complaints, the Executive Officer conducted a spot inspection on 12.05.2019 and 25.08.2019, wherein, it was found that it was the petitioner and his workers were collecting charges in excess of the scheduled rates. Therefore, licence was cancelled on 26.08.2019. Aggrieved over the order, the petitioner is before this Court.

3. According to the petitioner, there is no personal enquiry conducted and he was not given opportunity to defend himself properly. Apart from this, the respondent has no jurisdiction to cancel the licence.



4. I have considered the rival submissions.

5. Insofar as the issue of jurisdiction is concerned, it is the respondent who has granted licence in favour of the petitioner. Then, the authority, who has power to grant licence, inherently, has the power to cancel the same also. Therefore, the contention of the petitioner on the ground of jurisdiction cannot be sustained. However, licence came to be issued through public auction. The highest bidder is awarded with the work. In the instant case, the petitioner has deposited a huge sum for getting the licence. When a huge sum is deposited by him, cancellation of the auction will cause irreparable loss and civil consequences in his career. In other words, it will cause a stigma, which may preclude him from participating future tenders.

6. As contended by the petitioner, the Executive Officer has conducted spot inspection at the market and on the basis of the oral complaints, cancelled the licence. There are chances for the rival people making wild allegations against the licensee. Without verifying the veracity of the statements and without affording opportunity of cross-examination to disprove their statement, punishment cannot be imposed. Therefore, it is clear that the impugned order came to be passed without providing ample opportunity to the petitioner. Therefore, the impugned order dated 26.08.2019 is liable to be set aside for violation of principles of natural justice and accordingly, set aside and the matter is remitted back to the respondent for fresh enquiry. The respondent shall afford opportunity to cross-examine the witnesses before passing the orders.

7. The Writ Petition is disposed of with the above observation. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)

RR/SML

To

The Executive Officer, Annavasal Town Panchayat,
Pudukkottai District.

+1CC TO MR.J.ANANDKUMAR, Advocate Sr. No.93197

Order made in

W.P. (MD) No.19680 of 2019

SGS (CO)

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