



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:18.11.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.2550 of 2020
and
W.M.P.NO.2964 of 2020

M.J. Enterprises,
Rep by its Proprietor,
S. Mathiyalagan,
No.28, Kasimnagar, III Street,
Royapuram, Chennai-13.

.....Petitioner
Vs

1.The Chiarman,
Chennai Port Trust,
Rajaji Salai, Chennai-1

2. The Traffic Manager,
Administrative Office, Chennai Port Trust,
Rajaji Salai, Chennai-1

....Respondents

PRAYER: Petition under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records in connection with impugned notice dated 16/12/2019 bearing No.B-3/614/2019/T issued by the 2nd Respondent and quash the same, consequently direct the 2nd Respondent to renew the licence No.344 in terms of the petitioner letter dated 06.01.2020.

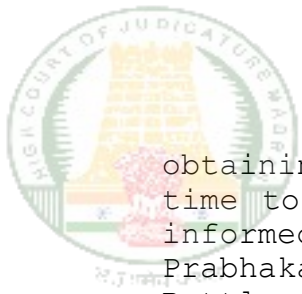
For petitioner
For Respondents

: Mr. P. Sidharthan
: Mr. Sankaranarayanan

ORDER

The petitioner has filed this Writ petition seeking issuance of a Writ of Certiorarified Mandamus to call for the records in connection with impugned notice dated 16/12/2019 bearing No.B-3/614/2019/T issued by the 2nd Respondent and quash the same, consequently direct the 2nd Respondent to renew the licence No.344 in terms of the petitioner letter dated 06.01.2020.

2. The case of the petitioner is that he is a proprietor of M/s. M.J.Enterprises which deals with steam ship & Chipping, painting etc for almost past two decades after



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obtaining appropriate license and the same being renewed from time to time. While being so, on 21.11.2019, the petitioner was informed that two of his employees named Gopalakrishnan and Prabhakaran were caught by the CISF police with concealed Liquor Bottles for which a case was registered in Crime No.16 of 2019 against them and thereafter the said accused persons were terminated from the petitioner's enterprises and the petitioner had also written a letter dated 06.01.2020 to the 2nd Respondent to that effect. Subsequently, the petitioner made an application to the 2nd Respondent for renewing his licence and the same is pending. In such circumstances, the 1st Respondent vide his letter dated 28.11.2019 had issued the show cause notice against the petitioner for which the reply was sent by the petitioner. However, without hearing the petitioner, the 2nd Respondent had issued the impugned letter dated 16.12.2019 against the petitioner cancelling his labour licence bearing No.344 for carrying out his business. Hence, the present Writ Petition is filed seeking the above relief.

3. The learned counsel for the petitioner submits, that though the petitioner had terminated his employees after the aforesaid incident, the 1st Respondent had issued show cause notice for which the explanation was also given. However, without even hearing the petitioner, the 2nd Respondent had cancelled the petitioner's licence vide impugned order dated 16.12.2019. Therefore, the order passed by the 2nd Respondent is liable to be quashed and this Court may issue direction to the 2nd Respondent to renew the petitioner's license.

4. On the above contentions, this Court heard the learned counsel for the petitioner and perused the materials available on record.

5. A perusal of materials available on record reveals that the petitioner's labour licence had expired on 31.12.2019 itself for which the petitioner has applied for renewal of the license on 06.01.2020 after a lapse of one week. The impugned order has been passed on 16.12.2019 cancelling the petitioner's labour licence. Such being the case, the prayer to quash the impugned order at this point of time would be nothing but an empty formality, as the license of the petitioner expired on 31.12.2019. In the aforesaid circumstances, nothing survives for adjudication.

6. In view of the above, this Court without going into the merits of the case, liberty grants to the petitioner to file a fresh application for renewing his license for the year 2021-2022 before the 2nd Respondent. If any such application is filed, the 2nd Respondent shall consider the same and pass appropriate orders in accordance with law as expeditiously as possible.



7. Accordingly, this Writ Petition is disposed of with the aforesaid direction. No costs. Consequently, the connected Miscellaneous Petition is closed.

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Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

NHS

To,

1.The Chiarman,
Chennai Port Trust,
Rajaji Salai, Chennai-1

2. The Traffic Manager,
Administrative Office, Chennai Port Trust,
Rajaji Salai, Chennai-1

+1 cc to Mr.P. Sidharthan, Advocate Sr.NO. 59542

W.P.NO.2550 of 2020
and

W.M.P.NO.2964 of 2020

SS(CO)
A.SK(27.12.2021)