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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2021

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MS.JUSTICE R.N.MANJULA

W.A.No.1128 of 2021
and C.M.P.No.7097 of 2021

J.C.Williams

...Appellant

Vs

The Commissioner,
Coimbatore Corporation,
Coimbatore.

...Respondent

Appeal filed under Clause 15 of Letters Patent against the order dated 29.01.2021 made in W.P.No.35343 of 2019.

Prayer in WP 35343 of 2019: Writ petition filed under Article 226 of the Constitution of India, Praying to issue a Writ of Certiorari calling for records of the impugned order in Na.Ka.No.9102/2016/M.H.2 dated 18/10/2019 on the file of the respondent and quash the same.

For Appellant : Mr.R.Rajarajan

For Respondent : No appearance

JUDGMENT

(Delivered by M.M.SUNDRESH, J.)

We have heard Mr.R.Rajarajan, learned counsel appearing for the appellant.

2. Despite service of notice and the name of the respondent having been printed in the cause list, there is no representation on behalf of the respondent.

3. The appellant is a registered licensed Building Surveyor Grade I of the respondent. By the impugned order, the respondent unilaterally cancelled the licence granted to the appellant on the ground that he had given a wrong building plan. Therefore,



the licence was cancelled on the premise that false information has been given with respect to the lay out. The learned Single Judge went into the merits and dismissed the writ petition.

4. Learned counsel appearing for the appellant submitted that having found that the appellant has not been heard, the learned Single Judge ought not to have gone into the merits of the case. We find merit in the said submission. Once it is found that the order suffers infirmity for want of notice especially when it is of civil consequence, the learned Single Judge ought not to have gone into the merits.

5. In such view of the matter, the order of the learned Single Judge stands set aside and the writ appeal stands allowed. Consequently, the respondent is given liberty to proceed afresh after giving show cause notice to the appellant. The proceedings will have to be concluded within a period of eight weeks from the date of receipt of a copy of this judgment. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar (CS VIII)

True Copy

Sub-Assistant Registrar

mmi/ssm
To

The Commissioner,
Coimbatore Corporation,
Coimbatore.

+1 CC to Mr.R. Rajarajan, Advocate, SR 30485.

W.A.No.1128 of 2021

SR II (CO)
SP(26/07/2021)