

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2021

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.13902 of 2021

E.Ganapathy

.. Petitioner

vs.

1.The Commissioner,
Avadi Municipal Corporation,
Chennai-600 054.

2.The Health Inspector,
Avadi Municipal Corporation,
Chennai-600 054.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records and quash the proceedings of the 1st respondent vide his proceedings in Na.Ka.No.1333/2020/H2 dated 09.06.2021 cancelling petitioner's licence for the drainage vehicle TN 28 Q 8152 and consequently directing the respondent to permit the petitioner's vehicle TN 28Q 8152 for usage of scavenging work based on the permit license granted dated 05.06.2020.

For Petitioner : Mr.C.S.Saravanan

For Respondents : Mr.P.Srinivas,
Standing Counsel for R1 and R2

O R D E R

The challenge in this writ petition is to the order of the first respondent dated 09.06.2021, cancelling the licence granted to the petitioner's drainage vehicle bearing No. TN 28 Q 8152, engaged for collecting sewage water from the septic tanks from various apartments, commercial companies, marriage halls and industries within the limits of Avadi Municipal Corporation.

2. The learned counsel for the petitioner would contend that the impugned order dated 09.06.2021 was passed by the first respondent without affording opportunity to the petitioner to put forth his contentions and therefore, there is a clear violation of the principles of natural justice and on that sole ground, the impugned order warrants interference.

3.Mr.P.Srinivas, learned Standing Counsel for the respondents / Municipal Corporation, on instructions, would submit that based on the record, there is no opportunity afforded to the petitioner before passing the impugned order.

4. A perusal of the impugned order would disclose that there is no reference with regard to providing opportunity to the petitioner and the same was also fairly conceded by the learned Standing Counsel for the respondents. Therefore, this Court has no hesitation to hold that the impugned order passed by the first respondent is in clear violation of the principles of natural justice and on that sole ground, the same is liable to be set aside.

5. Accordingly, the proceedings of the 1st respondent in Na.Ka.No.1333/2020/H2 dated 09.06.2021 is quashed. The respondents Corporation shall issue notice to the petitioner within a period of one week from the date of receipt of a copy of this order and on such notice being issued, the petitioner shall submit his response/explanation within a period of two weeks thereafter and based on the explanation, the respondents shall consider and pass orders on merits and in accordance with law within a period of four weeks thereafter.

6. With the above directions, this writ petition stands disposed of. No costs.

Jvm

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1.The Commissioner,
Avadi Municipal Corporation,
Chennai-600 054.

2.The Health Inspector,
Avadi Municipal Corporation,
Chennai-600 054.

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AK-I (CO)
EU 9.7.2021