



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.15311 of 2021

Saravanan S

... 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 under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records and quash the proceedings of the 1st respondent vide his proceedings Na.Ka.No.1333/2020/H2 dated 09/06/2021 cancelling petitioners licence for the drainage vehicle TN.29 B 5279 and consequently directing the respondent to permit the petitioner's vehicle TN.29 B 5279 for usage of scavenging work based on the permit licence granted dated 09/06/2020.

For Petitioner : Mr.C.S.Saravanan

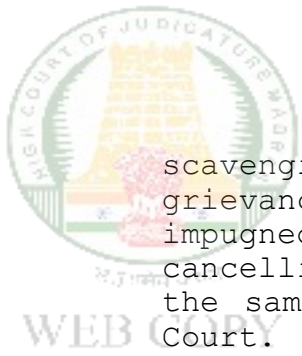
For Respondents : Mr.P.Srinivas
Standing Counsel for R1

Mr.U.Baranidharan
Government Advocate for R2

O R D E R

The subject matter of challenge in the present writ petition is the proceedings of the first respondent dated 09.06.2021 cancelling the licence given to the petitioner.

2.The case of the petitioner is that he was granted a contract by the respondent Corporation for undertaking



scavenging works within the Avadi Municipal Corporation. The grievance of the petitioner is that all of a sudden, the impugned proceedings came to be issued by the first respondent cancelling the licence given to the petitioner. Aggrieved by the same, the present writ petition has been filed before this Court.

3. Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondents.

4. It is seen from records that the respondent Corporation had passed a similar order cancelling the licence without issuing any notice and the same became a subject matter of challenge before this Court in W.P.No.13902 of 2021. This Court, after taking into consideration the fact that the cancellation of licence had taken place even without issuing any notice, was pleased to allow the writ petition by an order dated 08.07.2021 by quashing the proceedings of the first respondent and remanded the matter back to the file of the respondent Corporation to issue notice and to pass orders on merits.

5. The case of the petitioner herein is also similar and even in this case, the licence has been cancelled without issuing any notice and hence the same is vitiated for violation of principles of natural justice.

6. In view of the above, the proceedings of the first respondent in Na.Ka.No.1333/2020/H2 dated 09.06.2021 is hereby quashed and there shall be a direction to the respondents to issue fresh notice to the petitioner within a period of one week from the date of receipt of a copy of this order and on receipt of the same, the petitioner shall submit his explanation within a period of two weeks thereafter. Based on the explanation, the respondent Corporation shall pass orders on merits and in accordance with law within a period of four weeks thereafter.

7. In the result, this writ petition is allowed in the above terms. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

ssr



To

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

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

+1CC to Mr.P.Srinivas, Advocate, Sr.No.42025
+1CC to Mr.C.S.Saravanan, Advocate, Sr.No.42393
+1CC to Government Pleader, Sr.No.42302

W.P.No.15311 of 2021

AK (CO)
K.RK. (16.09.2021)