



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.16113 of 2021

G.M.Shankar

... 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 in Na.Ka.No.1333/2020/H2 dated 09.06.2021 cancelling petitioner's license for the drainage vehicle tractor TN-12 M 2777 for usage of scavenging work based on the permit license granted dated 05.06.2020.

For Petitioner : Mr.B.Gandhi

For Respondents : Mr.P.Srinivasan, Standing Counsel
For Corporation

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 Mr.B.Gandhi, learned counsel appearing for the petitioner and Mr.P.Srinivas, learned standing counsel appearing for 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 IV)

//True Copy//

Sub Assistant Registrar

KST

To

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



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

+1cc to Mr.B.Gandhi, Advocate, S.R.No.40165
+1cc to the Government Pleader, S.R.No.38042

W.P.No.16113 of 2021

RR (CO)
HS (26/08/2021)