



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.10.2021

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

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W.P. (MD)No.19675 of 2021

and

W.M.P(MD).Nos.16341 and 16344 of 2021

R.Velayutham

... Petitioner

Vs.

The Commissioner,
Thanjavur Corporation,
Thanjavur.

... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings issued by the respondent in Na.ka.No.11885/2020/MCA5 dated 26.10.2021 and to quash the same and consequently directing the respondent to continue the licence granted as per the proceedings of respondent in Na.Ka.No.11885/2020/MCA5 dated 26.10.2021 to collect fee from the cycle stand in New Bus Stand, Thanjavur.

For Petitioner : Mr.G.Sankaran

For Respondent : Mr.N.Dilip Kumar
Standing Counsel.

O R D E R

The petitioner assails an order dated 26.10.2021 by which his licence to collect fees from the users of the cycle stand at New Bus Stand, Thanjavur, was cancelled.

2. The petitioner states that he was the successful bidder at an auction in respect of a licence to collect fees from the users of the cycle stand. Pursuant thereto, it is stated that he paid a sum of Rs.40,40,293/- towards licence fee for the first year. The petitioner states that such licence is for a period of three years extending from 01.04.2021 to 31.03.2024. Thereafter, it is stated that a notice dated 23.04.2021 was issued to him informing him that



complaints were received that he had collected excess fees. According to the petitioner, he has not collected fees in excess of the permitted fees. However, he had made a request to the Corporation to enhance the fee.

3. In these facts and circumstances, it is stated that the impugned order dated 26.10.2021 was issued and served on the petitioner yesterday. The petitioner assails the impugned order on the ground that principles of natural justice were violated. He was not provided a show cause notice. In addition, he was not provided with copies of any of the documents that are cited in the impugned order.

4. Mr.N.Dilip Kumar, learned Standing Counsel, accepts notice on behalf of the Thanjavur Corporation. He points out that the impugned communication was issued to three persons, including the petitioner, pursuant to an inspection conducted by the Public Accounts Committee. He also points out that a meeting was conducted by the Public Accounts Committee in the office of the District Collector, Thanjavur. While maintaining that the petitioner violated the terms and conditions of the licence, he submits that the impugned order may be treated as a show cause notice and the petitioner may submit an explanation in respect thereof. Upon receipt of such explanation, he submits that a reasoned order would be issued.

5. In view of the submissions of learned Standing Counsel for the Thanjavur Corporation, the writ petition may be disposed of by directing the petitioner to treat the order dated 26.10.2021 as a show cause notice. Since the said communication refers to the inspection by the Public Accounts Committee and to proceedings of the Revenue Inspector and the Commissioner, the respondent is directed to provide the petitioner with copies of all documents which are proposed to be relied upon in relation to the charges against the petitioner. Such documents shall be provided within one week from the date of receipt of a copy of this order. Upon receipt thereof, the petitioner shall submit an explanation to the respondent within fifteen (15) days from the date of receipt of such documents. Upon receipt of such explanation, the respondent shall consider such explanation and pass a reasoned order within a period of one week from the date of receipt of the petitioner's explanation. It is made clear that the respondent shall only rely upon documents which were made available to the petitioner. Until a decision is taken by the respondent, no coercive action shall be taken to interfere with the business or dispossess the petitioner from the cycle stand. It is needless to say that the petitioner is duty bound to comply with the terms and conditions of the licence in the conduct of business.



6. Accordingly, W.P(MD).No.19675 of 2021 is disposed of on the above terms without any order as to costs. Consequently, connected W.M.P (MD).Nos.16341 and 16344 of 2021 are closed.

Sd/-

Assistant Registrar (A.D.II)

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// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

The Commissioner,
Thanjavur Corporation,
Thanjavur.

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-33252[F] dated 29/10/2021)

W.P. (MD)No.19675 of 2021

28.10.2021

RD/UV (10.11.2021) 3P 3C