



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.11.2021

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)Nos.19834 and 19835 of 2021

and

W.M.P(MD).Nos.16521, 16527, 16522, 16526,
16525 & 16528 of 2021

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S.Karikalan ... Petitioner in W.P.(MD)No.19834/2021

S.Sagaya Emalda ... Petitioner in W.P.(MD)No.19835/2021

Vs.

The Commissioner,
Thanjavur Corporation,
Office of Municipal Corporation Commissioner,
Thanjavur District. ... Respondent in both W.Ps.

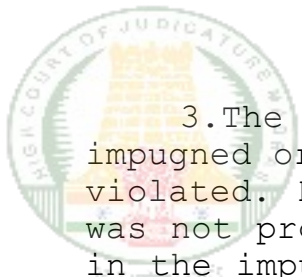
Common Prayer: Writ petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the impugned order of the respondent in proceedings in Na.ka.No.11885/2020/MCA5 dated 26.10.2021 as far as the petitioner is concerned in collection of urinal fee in the Madurai and Trichy Bus stay at Thanjavur New Bus Stand respectively and quash the same.

For Petitioner	: Mr.S.Ramasundarvijayraj
(In both W.Ps)	
For Respondent	: Mr.N.Dilip Kumar
(In both W.Ps)	Standing Counsel.

COMMON ORDER

The petitioners assail an order dated 26.10.2021, by which their licence to collect fees from the users of the Madurai and Trichy bus stay at New Bus Stand, Thanjavur, were cancelled.

2.The petitioners state that they were the successful bidders at an auction in respect of a licence to collect fees from the users of the Madurai and Trichy bus stay at New Bus Stand, Thanjavur. Pursuant thereto, it is stated that the petitioner in W.P.(MD) No.19834 of 2021 paid a sum of Rs.10,82,500/- and the petitioner in W.P.(MD)No.19835 of 2021 paid a sum of Rs.24,35,400/- respectively towards licence fees for the first year. The petitioners state that such licence is for a period of three years extending from 01.04.2021 to 31.03.2024. Thereafter, the petitioners were informed that they had collected excess fees. According to the petitioners, they have not collected fees in excess of the permitted fees. However, they made a request to the Corporation to enhance the fee.



3.The petitioner in W.P.(MD)No.19834 of 2021 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. As regards W.P.(MD)No.19835 of 2020, it is contended that a notice dated 22.10.2021 was issued. However, it is stated that such notice provided the petitioner only 24 hours time to respond and the said notice indicated that the conclusion was predetermined.

4.Mr.N.Dilip Kumar, learned Standing Counsel, accepts notice on behalf of the Thanjavur Corporation. He points out that the impugned communications were issued to three persons, including the petitioners, 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 petitioners violated the terms and conditions of the licence, he submits that the impugned orders may be treated as show cause notices and the petitioners may submit their explanations 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 petitions may be disposed of by directing the petitioners to treat the order dated 26.10.2021 as show cause notices. 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 petitioners with copies of all documents which are proposed to be relied upon in relation to the charges against the petitioners. Such documents shall be provided within one week from the date of receipt of a copy of this order. Upon receipt thereof, the petitioners shall submit an explanation to the respondent within fifteen (15) days from the date of receipt of such documents. Upon receipt of such explanations, the respondent shall consider such explanation and pass a reasoned order within a period of one week from the date of receipt of the petitioners' explanation. It is made clear that the respondent shall only rely upon documents which were made available to the petitioners. 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 Madurai and Trichy Bus stay at Thanjavur New Bus stand. It is needless to say that the petitioners are duty bound to comply with the terms and conditions of the licence in the conduct of business.



6. Accordingly, W.P(MD).Nos.19834 & 19835 of 2021 are disposed of on the above terms without any order as to costs. Consequently, connected W.M.P(MD).Nos.16521, 16527, 16522, 16526, 16525 & 16528 of 2021 are closed.

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Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsm

To

The Commissioner,
Thanjavur Corporation,
Office of Municipal Corporation Commissioner,
Thanjavur.

+2 CC to M/s.S.RAMSUNDARVIJAYARAJ, Advocate (SR-33561, SR-33562
dated 02/11/2021)

W.P.(MD)Nos.19834 & 19835 of 2021

02.11.2021

PS (CO)

RS/JC (02.11.2021) 3P 4C