



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.11.2021

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P (MD)No.20508 of 2021

and

W.M.P (MD) No.17144 of 2021

Amm Aqua Industries,
Represented by its Proprietor,
A.Mohamed Musthan.

... Petitioner

Vs.

The Deputy Director General,
Bureau of Indian Standards,
Southern Regional Office,
CIT Campus,
IV Cross Road,
Taramani,
Chennai-600 113.

... Respondent

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondent from cancelling the License granted to the petitioner's Industry without providing personal hearing and without following the procedure contemplated under the Regulation 11(a) of Bureau of Indian Standards (Conformity Assessment) Regulations 2018.

For Petitioner : Mr.S.Rajasekar

For Respondent : Mrs.L.Victoria Gowri
Assistant Solicitor General

O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2.The writ petition is prima facie, not maintainable at this stage. It is for a direction calling upon the respondent not to pass any orders. A notice had been issued to the petitioner herein on 06.09.2021.



3.Learned Assistant Solicitor General pointed out the notice which had been issued to the petitioner, in which, it had been very clearly stated that the petitioner may given explanation within 21 days.

4. Notice is dated 06.09.2021. On 07.09.2021 the petitioner had given his explanation. In the notice it has been further stated that if the petitioner seeks a personal hearing then he should get an appointment with the Deputy Director General (South) of the respondent herein. The petitioner had not sought any such appointment. He has come to this Court seeking a direction that the respondent should not pass any orders adverse to the petitioner herein. Such a direction can never be given. It is purely in the realm of the respondent to pass any order depending on the facts and circumstances. They have issued their notice and they have received the explanation. The concerned official will have to examine the explanation and pass necessary orders. If at all the petitioner seeks personal hearing then he has to go through the procedure which is envisaged namely, to get appointment with the Deputy Director General, (South) of the respondent.

5. An opportunity is given to the petitioner to seek, if he is so advised, and if he actually requires any such personal hearing, to seek such appointment and such request should reach the office of the respondent on or before 26.11.2021. On receipt of such communication by the petitioner, let the respondent take a considered decision with respect to grant of appointment or otherwise and also with respect to examining the explanation given by the petitioner. No further orders are required.

6.With the above observation, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.



To

The Deputy Director General,
Bureau of Indian Standards,
Southern Regional Office,
CIT Campus,
IV Cross Road,
Taramani,
Chennai-600 113.

+1 CC to M/s.T. LAJAPATHI ROY, Advocate (SR-34892[F] dated
18/11/2021)

W.P (MD) No.20508 of 2021

and

W.M.P (MD) 17144 of 2021

17.11.2021

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