

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2235 OF 2022**

Husain Iman Sab Kureshi .. Petitioner

V/s

Vasai Virar Municipal Corporation
Through Municipal Commissioner .. Respondent

**WITH
WRIT PETITION NO. 2236 OF 2022**

Mujahid Yusuf Kazi .. Petitioner

V/s

Vasai Virar Municipal Corporation
Through Municipal Commissioner .. Respondent

Mr. Drupad S. Patil a/w Mr.Suyash Sule & Mr.Namitkumar
Pansare, for the Petitioners.
Ms.Swati Sagvekar, for the respondent Corporation.

**CORAM: A. A. SAYED &
ABHAY AHUJA, JJ.**

DATE : 4th APRIL 2022

P.C. :-

1. The challenge in the Petitions is cancellation of the
licences of the Petitioners for selling meat.

2. The Supreme Court in **M/s Raj Restaurant and Another v. Municipal Corporation of Delhi [(1982) 3 Supreme Court Cases 338]** in paragraph 5, has held as follows :-

5. Where, in order to carry on business a licence is required, obviously refusal to give licence or cancellation or revocation of licence would be visited with both civil and pecuniary consequences and as the business cannot be carried on without the licence it would also affect the livelihood of the person. In such a situation before either refusing to renew the licence or cancelling or revoking the same, the minimum principle of natural justice of notice and opportunity to represent one's case is must. It is not disputed that no such opportunity was given before taking the decision not to renew the licence though it is admitted that for the reasons herein before set out the licence was not renewed. Such a decision in violation of the minimum principle of natural justice would be void. Now, it is true that no specific order is made setting out the reasons for refusal to renew the licence. But the action taken of sealing the premises for carrying on the business without a licence clearly implies that there was refusal to renew the licence and the reasons are now disclosed. And the action disclosing the decision being in violation of the principle of natural justice, deserves to be quashed".

3. It is an admitted position that the licences of the Petitioners have been cancelled without granting an opportunity to the Petitioners to present their say. In the circumstances, principles of natural justice have clearly been violated. We, therefore, set aside the impugned orders cancelling the licences of the Petitioners. If the Respondent Corporation intend to cancel the licences of the Petitioners, it shall issue a show cause notice and grant an opportunity to the Petitioners to file a reply and take a decision on the show cause notice by a speaking order. It will be open for the Respondent Corporation to hear the Petitioners.

4. Both the Writ Petitions are disposed of in the aforesaid terms.

(ABHAY AHUJA, J.)

(A. A. SAYED, J.)