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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 28.02.2022
CORAM:
THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**
W.P.(MD)No.3628 of 2022
and W.M.P.(MD).No.3159 of 2022

S.Murugan .. Petitioner

Vs

The Commissioner,
O/o. Tiruchirappalli Corporation,
Tiruchirappalli District. .. Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records pertaining to the impugned notice in Na.Ka.No.1490/2019/A1(Pon) dated 03.08.2021, passed by the respondent and quash the same as illegal on the basis of the petitioner's representation dated 12.08.2021 and 15.02.2022.

For Petitioner : Ms.K.Vidya for Mr.C.Abulkalam Azad
For Respondent : Mr.R.Baskaran
Standing Counsel

ORDER

This writ petition has been filed challenging the impugned order dated 03.08.2021, imposing fine on the petitioner amounting to Rs.20,000/- on the ground that the petitioner, who is a licensee under the respondent for the toilets at Central Bus Stand, Tiruchirappalli, has collected money from the customers without providing receipts.

2.Heard Ms.K.Vidya, learned counsel for the petitioner and Mr.R.Baskaran, learned Standing Counsel, who accepts notice on behalf of the respondent.

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

4.The contention of the petitioner is that without affording any opportunity of hearing, the respondent has imposed the aforementioned fine, which is arbitrary and illegal and in violation of principles of natural justice.

5.This Court has perused and examined the impugned notice. The petitioner is a licensee in respect of the aforementioned toilets, where he is permitted to collect charges from the customers who used the said toilets. It is the contention of the respondent that the petitioner has not been issuing receipts to his customers while they used the toilets. The respondent under the impugned notice has levied a fine of Rs.20,000/- on the petitioner. The basis for such

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a levy has not been disclosed in the impugned notice. The quantum of fine fixed by the respondent at Rs.20,000/- is on a *prima facie* consideration to be on the higher side and the basis on such a fixation has also not been disclosed in the impugned notice. Therefore, this Court is of the considered view that the petitioner ought to have been afforded a fair hearing before levying a fine of Rs.20,000/- for the alleged non issuance of receipts to his customers, who used public toilets at Central Bus Stand, Tiruchirappalli. According to the petitioner, he has been paying the licence charges to the respondent with regard to the public toilets without committing default, though the same is disputed by the respondent as seen from the submissions made by the learned Standing Counsel for the respondent corporation.

6.In view of the fact that the respondent has violated the principles of natural justice before passing the impugned notice calling upon the petitioner to pay a fine of Rs.20,000/-, this Court has to necessarily quash the impugned notice and remand the matter back to the respondent for fresh consideration on merits and in accordance with law, after affording a fair hearing to the petitioner.

7.For the foregoing reasons, the impugned notice dated 03.08.2021, issued by the respondent calling upon the petitioner to pay a fine of Rs.20,000/- is hereby quashed and the matter is remanded back to the respondent for fresh consideration on merits and in accordance with law and after affording a fair hearing to the petitioner, the respondent is directed to pass final orders, within a period of eight weeks from the date of receipt of a copy of this order.

8.With the aforesaid directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Ad-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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.*

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To

The Commissioner,
O/o. Tiruchirappalli Corporation,
Tiruchirappalli District.

+1 CC to M/s.C.ABUL KALAM AZAD, Advocate (SR-9091[F] dated 28/02/2022)

W.P.(MD)No.3628 of 2022
28.02.2022

SMV(CO)
KB(16.03.2022) 3P 3C

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