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W.P.No.12759 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WP.No.12759 of 2022 & WMP.No.12217 of 2022

R.Elayaraja

... Petitioner

Vs

1. The Commissioner,
Coimbatore Corporation, Coimbatore.

2. The Assistant Commissioner,
Coimbatore Corporation, Coimbatore.

... Respondents

Prayer:- Writ Petition is filed, under the Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the impugned Order of the first respondent in Na.Ka.No.502/2014/MC, dated 29.04.2022 and quash the same as illegal and consequently, direct the respondents to restore the petitioner as authorized plumber of the first respondent.

For Petitioner : Mr.M.Purushothaman

For Respondents : Mr.K.Magesh – R1 & R2



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ORDER

This Writ Petition has been filed to quash the impugned Order of the first respondent dated 29.04.2022 as illegal and consequently direct the respondents to restore the petitioner as authorized plumber of the first respondent.

2. The case of the Writ Petitioner is that the impugned Order has been passed without giving an opportunity to the petitioner and no notice has been issued to the petitioner before passing the impugned Order.

3. Despite several opportunities given to the respondents, no counter has been filed.

4. A perusal of the impugned Order, cancelling the plumber license to the petitioner, it appears that there is no show cause notice, whatsoever, issued to the petitioner. Only after termination is issued, the a work order dated 26.04.2022 is said to have been issued to the petitioner. A perusal of the same indicate the date of serving of the work order is on 02.05.2022



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and such an Order is much after the termination of license, i.e., on 29.04.2022. The termination has been made only on the ground that despite the application of one Vasu and Vijayalakshmi and despite the Order dated 28.03.2022, the petitioner has not properly installed the water connection. Therefore, the license of the petitioner has been cancelled. Subsequent to a representation given by the petitioner, the so called work Order is said to have been served. Though the work Order is dated 24.12.2021, the same has been served to the petitioner on 02.05.2022. This work Order clearly indicate that the impugned Order suffers from principles of natural justice and non application of mind.

5. The petitioner is a licensed plumber from 02.09.2013 onwards. As per the records produced before this Court, any termination can be done only when there is any violation of the work contrary to sub clause 9 of Rule 5 of the Plumber Rules. Whereas the impugned Order does not show that any prior notice has been issued to the petitioner seeking explanation to substantiate his stand and the so called work order has been issued, subsequent to the termination of the license. These facts clearly indicate that the impugned Order has been passed mechanically violating the rules



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and bye-laws.

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6. Accordingly, this Writ Petition is allowed and the impugned Order dated 29.04.2022 passed by the first respondent is set aside and Work Orders shall be issued to the petitioner regularly. Consequently connected miscellaneous petition is closed. No costs.

21.02.2023

Index:Yes/No

Neutral Citation : Yes/No

vrc

To,

1. The Commissioner,
Coimbatore Corporation, Coimbatore.
2. The Assistant Commissioner,
Coimbatore Corporation, Coimbatore.



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N.SATHISH KUMAR, J.

VTC

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