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Writ Petition No.17780 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.17780 of 2023

and

W.M.P.No.16891 of 2023

M/s.MNS Enterprises,
represented by its Proprietor,
Mrs.V.Mohana Priya
Having office at Plot No.A-29,
Casa Grande Palm Meadows Main Road,
Vengadamangalam, Chennai - 600 127.

...Petitioner

Vs

1.The District Collector,
Office of the District Collector,
Chengalpet District,
Chengalpet.

2.The President,
Vengadamangalam Panchayat,
Kattangalathur Panchayat Union,
Chengalpet District.

3.M/s.Casa Grande Urbano Owners Association,
represented by its Secretary,
Casa Grande Palm Meadows Main Road,
Vengadamangalam, Chennai - 600 127.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India,



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to issue a Writ of Certiorari calling for the records pertaining to the impugned order passed by the second respondent dated 02.06.2023 cancelling the Business License and Building Permit issued by them vide approval U.KA.No.-154/2022-23 dated 14.12.2022 and quash the same as illegal and violation of principles of natural justice.

For Petitioner : Mr.Adinarayana Rao

For Respondents : Mrs.S.Mythreye Chandru
Special Government Pleader [R1]
Mr.Ru.Dinesh Rajkumar
Additional Government Pleader [R2]
Mr.P.Wesly Isaac [R3]

ORDER

This writ petition has been filed challenging the proceedings of the second respondent dated 02.06.2023 by virtue of which the second respondent has cancelled the business license and the building permit that was issued to the petitioner.

2. Heard Mr.Adinarayana Rao, learned counsel for petitioner, Mrs.S.Mythreye Chandru, learned Special Government Pleader appearing for first respondent, Mr.Ru.Dinesh Rajkumar, learned Additional Government Pleader appearing for second respondent and Mr.P.Wesly



Isaac, learned counsel appearing for the third respondent.

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3. When the matter came up for admission on 16.06.2023, this Court passed the following order:

"Mrs.S.Mythreye Chandru, learned Special Government Pleader takes notice on behalf of the first respondent. Mr.RU.Dinesh Rajkumar, learned Additional Government Pleader takes notice on behalf of the second respondent. Mr.P.Wesly Isaac, learned counsel takes notice on behalf of the third respondent.

2.It was submitted on the side of the respondents that the petitioner was running a godown and storing oil without getting any permission. The learned Special Government Pleader appearing on behalf of the 1st respondent and the learned Additional Government Pleader for 2nd respondent shall take written instructions in this regard and produce before this Court .

3.Post this writ petition under the same caption on 23.06.2023. In the meantime, *status quo* shall be maintained."

4. When the matter was taken up for hearing today, learned Additional Government Pleader appearing on behalf of the second respondent produced the written instructions received from the second respondent along with all relevant documents. Learned counsel for the third respondent also filed a counter affidavit along with typed-set of papers.

5. On carefully going through the materials placed before this Court, it



is found that the second respondent had taken a decision to cancel the building permit and the business license issued to the petitioner based on certain reports that have been collected. Even if the second respondent had a valid reason to cancel the business license and the building permit issued to the petitioner, the minimum that is required to be followed is to put the petitioner on notice after giving a copy of whatever reports that have been relied upon by the second respondent and the petitioner should be given an opportunity to put forth their case. Thereafter, the second respondent must take a decision in accordance with law. If this procedure is not followed, the decision taken by the second respondent will be illegal since it is done in violation of principles of natural justice. The decision taken by the second respondent results in civil consequence to the petitioner and therefore, it is imperative that principles of natural justice is followed before the decision is taken.

6. In the light of the above reasoning, this Court is inclined to interfere with the impugned notice dated 02.06.2023 issued by the second respondent and accordingly, the same is hereby quashed. It is left open to the second respondent to issue a fresh notice to the petitioner along with all the



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reports/complaints that were acted upon by the second respondent. The petitioner, on receipt of the notice, shall give their explanation. On receipt of the same, it is left open to the second respondent to take a decision on its own merits and in accordance with law. This process shall be completed by the second respondent within a period of six (6) weeks from the date of receipt of a copy of this order.

In the result, this writ petition is allowed in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

23.06.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
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To

1. The District Collector,
Office of the District Collector,
Chengalpet District, Chengalpet.

2. The President,
Vengadamangalam Panchayat,
Kattangalathur Panchayat Union,
Chengalpet District.

N.ANAND VENKATESH, J



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