



W.P.(MD) No.5575 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.03.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.5575 of 2023

and

W.M.P.(MD) Nos.5202 and 5203 of 2023

M.A.M.Mohamed Meera

.. Petitioner

Vs.

1.The Conservator of Forests and Field Director,
Srivilliputhur Megamalai Tiger Reserve,
Madurai-625 002.

2.The District Forest Officer,
Madurai Division,
2, Race Course Road, Madurai-625 002.

3.The Forest Ranger,
Usilampatti Forest Range Office,
Usilampatti, Madurai District.

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order of the second respondent in Na.Ka.No.Va/7207/2019 dated 06.08.2021 confirmed by the first respondent in C.No.9630/2021/D2 dated 12.12.2022 and consequently



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direct respondents 1 and 2 to revive the registration of the petitioner as a registered contractor under the second respondent.

For Petitioner : Mr.Anandkumar J.

For Respondents : Mr.K.S.Selvaganesh
Additional Government Pleader

ORDER

This writ petition is filed challenging the order of the second respondent bearing Na.Ka.No.Va/7207/2019 dated 06.08.2021 in and by which the order of the second respondent had been confirmed by the first respondent in C.No.9630/2021/D2 dated 12.12.2022 and direct respondents 1 and 2 to revive the registration of the petitioner as a registered contractor under the second respondent.

2. The primary ground on which the impugned order is challenged is that before passing the impugned order, no enquiry whatsoever had been held and the petitioner was not given an opportunity to submit his side of the case. The other ground on which the impugned order is challenged is that it is a non-speaking one.



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3. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents and perused the records.

4. A perusal of the impugned order clearly shows that the same has been passed without affording an opportunity to the petitioner to put forth his case and that apart, the order is a non-speaking one. There is nothing on record to show the application of mind on the part of the first and second respondents. Therefore, this Writ Petition is allowed, the impugned order of the second respondent in Na.Ka.No.Va/7207/2019 dated 06.08.2021 confirmed by the first respondent in C.No.9630/2021/D2 dated 12.12.2022 is set aside, the matter is remitted back to the first respondent for considering the petitioner's appeal dated 16.08.2021 in the form of representation afresh, after giving due opportunity to the petitioner. The said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

NCC : Yes/No
Index : Yes/No
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P.T.ASHA, J.

abr

To

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2, Race Course Road,
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