



W.P(MD)No.10864 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 04.09.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.10864 of 2015
and
M.P.(MD)No.1 of 2015

S.Ponmari

... Petitioner

Vs.

1.The District Collector,
Thoothukudi,
Thoothukudi District.

2.The President,
Erachi Panchayat,
Kovilpatti Panchayat Union,
Thoothukudi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 2nd respondent proceedings dated 18.06.2015 and quash the same and consequently direct the 2nd respondent to permit the petitioner to continue



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her petty retailer of snacks and tea shops in the same place at bus stop,
Erachi Village.

For Petitioner : Mr.K.Prabhu

For Respondents : Mr.S.Shanmugavel,
Addl. Government Pleader.

ORDER

Heard the learned counsel on either side.

2.The petitioner is a differently abled woman. She was permitted to run a small bunk shop near the bus stand in Erachi Village. By the impugned proceedings, the President of the local body cancelled the permission. Challenging the same, the present writ petition came to be filed.

3.The impugned proceedings were not preceded by any show cause notice. When permission is cancelled, it does have civil consequence on the individual concerned. Therefore, the principles of natural justice



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ought to have been complied with. Inasmuch as, the impugned proceedings have been issued in breach of the same, it is set aside. The learned Additional Government Pleader for the second respondent submits that the present President of the local body has taken a favourable view and that the petitioner need not have any apprehension.

4.Recording the stand of the second respondent, the order impugned in this writ petition is set aside and the writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

04.09.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

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Thoothukudi,
Thoothukudi District.
- 2.The President,
Erachi Panchayat,
Kovilpatti Panchayat Union,
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G.R.SWAMINATHAN, J.

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