



WEB COPY



W.P.No.25077 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.25077 of 2024
and W.M.P.Nos.27404 and 27405 of 2024

Mansoor Ali

... Petitioner

Vs

1. The Commissioner
Coimbatore Corporation, Coimbatore.

2. The Assistant Commissioner,
Central Zone, Coimbatore Corporation. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of cancellation of license dated 15.06.2024 in Na.Ka.No.3984/2024/A1(Ma) made by the 2nd respondent, quash the same consequently permit the petitioner to continue the license for collection to toll by considering petitioner representation dated 02.08.2024 made to the respondents.

For Petitioner : Mr.R.Prabakar
For Respondents : Mr.N.Umapathi
Standing Counsel

ORDER



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2. Heard both sides and perused the materials available on record.

3. The second respondent through a public auction granted license to the petitioner to collect toll charges in the slaughter house situated in Ward No.48, Sakthi Road, Coimbatore, for the year 2023-2024. The petitioner had paid a sum of Rs.40,00,000/- and also renewed the license on payment of 5% increase on the original auction amount every year. It was granted for a period of three years. By the communication dated 26.03.2024, the second respondent directed the petitioner to pay 5% increase in the last year license fee for renewal of the petitioner's license. Accordingly, the petitioner deposited the amount and his license got renewed from 01.04.2024 to 31.03.2025.

4. While being so, on a complaint, the petitioner was arrested and detained under goondas alleging that the petitioner allowed slaughtering of three months old calves in the slaughter house. Thereafter, the petitioner's license was cancelled by an order dated 15.06.2024, on the ground that the petitioner



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involved in a criminal case and he was detained under goondas and also failed to maintain the slaughter house in a proper manner.

5. The learned counsel for the petitioner raised grounds that the petitioner was not given an opportunity of hearing before cancelling the license. When the petitioner was in prison, the notice was affixed in the slaughter house and cancelled the license.

6. A perusal of the impugned order dated 15.06.2024 revealed that though it mentions the Reference No.4, as if the petitioner had sent a representation dated 10.06.2024, the body of the order says that the show cause notice was affixed in the slaughter house and the petitioner did not submit any explanation.

7. Admittedly, the petitioner was not served with any notice since the petitioner was in prison. The reference cited by the second respondent was not submitted by the petitioner. In order to substantiate the impugned order, the second respondent mechanically stated that the representation was submitted by the petitioner on 10.06.2024. Only after cancelling the license, the petitioner's wife made a representation dated 21.06.2024 to reconsider the petitioner's



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license. That apart, the detention was not confirmed and set aside by the Advisory Board by an order dated 15.07.2024 in G.O.Rt.No.4749 Home, Prohibition and Excise (XII) Department. After coming out from prison, the petitioner challenged this order. Therefore, it is a clear violation of principles of natural justice and the impugned order cannot be sustained and is liable to be quashed.

8. Accordingly, the impugned order of cancellation of license dated 15.06.2024 in Na.Ka.No.3984/2024/A1(Ma) made by the 2nd respondent, is hereby quashed. The second respondent is at liberty to issue fresh show cause notice to the petitioner and after giving an opportunity of hearing to the petitioner, pass orders on merits and in accordance with law, insofar as his license is concerned, within a period of four weeks from the date of receipt of a copy of this order.

9. Accordingly, this writ petition stands allowed. Consequently, connected Miscellaneous petitions are closed. No costs.



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Internet: Yes

Index : Yes/No

Neutral Citation : Yes/No

Speaking/Non Speaking order

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G.K.ILANTHIRAIYAN. J.

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To

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

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