



W.P.(MD)No.19955 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.08.2024

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.19955 of 2024
and WMP(MD)No.16912 of 2024

S.Pandian

... Petitioner

Vs.

1. Commissioner of Police,
Madurai City,
Madurai.

2. Commissioner,
Madurai Corporation,
Madurai.

3. Assistant Commissioner,
Madurai Corporation,
Zone - I East,
Madurai.

4. Inspector of Police,
K.Pudur Police Station (L and O),
Madurai.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 3rd respondent in Na.Ka.No.Ma1E1/005995/2024, dated 29.07.2024, to quash the same as



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illegal and consequently to forbear the respondents from interfering with the petitioner from running the business in the name and style of “Luxury Ayurvedic Balis Spa and Salon” at Hotel Srinithi, K.Pudur, Madurai.

For Petitioner	: Mr.M.Natarajan
For R1 & R4	: Mr.M.Vaikkam Karunanithi Special Government Pleader
For R2 & R3	: Mr.K.Sivabalan Standing Counsel

ORDER

This writ petition has been filed challenging the impugned order passed by the 3rd respondent in Na.Ka.No.Ma1E1/005995/2024, dated 29.07.2024 and consequently to forbear the respondents from interfering with the petitioner from running the business in the name and style of “Luxury Ayurvedic Balis Spa and Salon” at Hotel Srinithi, K.Pudur, Madurai.

2. By consent of both parties, this writ petition is taken up for disposal at the admission stage itself.

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



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4. It is the case of the petitioner that he is running a business in the name and style of “Luxury Ayurvedic Balis Spa and Salon” at Hotel Srinithi, K.Pudur, Madurai from the month of March, 2024, based on the no objection issued by the first respondent in C.No.V3/7988-74-2024 and subsequently, licence also issued by the second respondent in Licence No.115/2024/010/0000565. However, now the impugned order has been passed by the third respondent without giving any reasons or particulars. Challenging the same, the present writ petition has been filed.

5. The impugned order is not disputing the issuance of the licence and that the licence has been granted under Section 13 of the Tamilnadu Fire and Rescue Service Act, 1985. However, the impugned order has been passed by the third respondent cancelling the licence invoking Section 114 (1)(ii) of the Tamil Nadu Urban Local Bodies Act, 1998. However, no opportunity was given to the petitioner before passing the impugned order.

6. In the considered opinion of this Court, any order passed without hearing the concerned person and without giving an opportunity,



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is against the principle of natural justice and that order cannot be sustained in the eye of law. Therefore, the order impugned in this writ petition is liable to be quashed and accordingly quashed and the matter is remitted back to the respondents for fresh consideration. The respondents shall consider and pass orders on merit and in accordance with law, after giving the petitioner the necessary opportunity to submit his explanation.

7. With the above direction, this writ petition is disposed of.

No Costs. Consequently, connected miscellaneous petition is closed.

21.08.2024

NCC : Yes / No

Index : Yes / No

PJL

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