



W.P.(MD)No.20036 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.08.2024

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THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.20036 of 2024

and

WMP(MD)No.16990 of 2024

R.Karthik Sundaram

... Petitioner

Vs.

1.The Commissioner,
Madurai Corporation,
Madurai.

2.The Health Officer,
The Madurai Corporation,
Madurai District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned order of cancellation of Trade License passed by the second respondent in his proceedings No.Nil dated 03.08.2024 and quash the same as illegal.

For Petitioner : Mr.C.Venkatesh Kumar
For Respondents : Ms.S.Devasena
Standing Counsel



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ORDER

This writ petition has been filed challenging the impugned order of cancellation of Trade License passed by the second respondent in his proceedings No.Nil dated 03.08.2024.

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.

4.It is the case of the petitioner that he is running a business in the name and style of “La Milano Saloon and Spa” from the year 2021 based on license granted by the first respondent under the provisions of Madurai Corporation Act, 1971. However, based on the complaint registered against the petitioner, the second respondent issued the impugned proceedings dated 03.08.2024 to cancel the trade license granted to the petitioner without even putting the petitioner on notice. Challenging the same, the petitioner has filed this writ petition.



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5.In the impugned order the issuance of the licence to the petitioner under provisions of Madurai Corporation Act, 1971 is not disputed. However, the impugned order has been passed by the second respondent cancelling the licence invoking Section 114 of the Tamil Nadu Urban Local Bodies Act, 1998 in pursuant to the complaint registered against the petitioner. Further, no opportunity was given to the petitioner before passing the impugned order.

6.In the considered opinion of this Court, any order passed without giving an opportunity of hearing to the affected party, is against the principles 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.

7.Accordingly, this writ petition is allowed and the order passed by the second respondent dated 03.08.2024 in Proceedings No.Nil is set aside and the matter is remitted back to the respondents for fresh consideration. The respondents shall consider the case of the petitioner on merits and pass orders in accordance with law, after giving necessary



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opportunity to the petitioner to submit his explanation. No Costs.

Consequently, connected miscellaneous petition is closed.

22.08.2024

NCC : Yes / No

Index : Yes / No

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To

1.The Commissioner,
Madurai Corporation
Madurai.

2.The Health Officer,
The Madurai Corporation.
Madurai District.



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N.SATHISH KUMAR , J.

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