



W.P.(MD)No.28746 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **29.11.2024**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD)No.28746 of 2024

and

W.M.P.(MD)No.24359 of 2024

M.Gopala Krishnan

... Petitioner

Vs.

1. The District Collector,
Collectorate,
Kanyakumari District at Nagaercoil.
2. The Assistant Director of Town Panchayat,
Nagercoil Zone,
Kanyakumari.
3. The Executive Officer,
Kanyakumari Special Grade Town Panchayat,
Kanyakumari.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records of the impugned order passed by the 3rd respondent herein in his proceedings in Na.Ka.No. 476/2024/A2 dated 25.11.2024 and quash the same as illegal and further directing the 3rd respondent herein not to interfere with the peaceful possession and enjoyment of petitioner's trade in the name and style Splash Ayurvedic Centre, 1/19, Sannathi Street, Kanyakumari.



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For Petitioner : Mr.V.Meenakshi Sundaram
For Respondents : Mr.D.S.Neduncheliyan (R1 & R2)
Government Advocate
Mr.T.Amjad Khan (R3)
Government Advocate

ORDER

Challenging the impugned order passed by the third respondent by proceedings dated 25.11.2024 cancelling the licence granted to the petitioner to run Spa Centre for the period from 30.09.2024 to 29.09.2027, this writ petition came to be filed.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. Heard the learned counsel on both sides and carefully perused the entire materials available on record.

4. The plight of the petitioner is that having issued with the licence to run Spa at Sannathi Street, Kanyakumari Special Grade Town Panchayat, Kanyakumari, from 30.09.2024 to 29.09.2027, within a span of two months



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without putting the petitioner on notice, the impugned order of cancellation of the said licence to run Spa in the name and style of 'Splash Ayurvedic Centre' at Door No. 1/19, Sannathi Street, Kanyakumari has been passed.

5. Since the impugned order is passed without giving an opportunity of hearing and without putting the petitioner on notice, the same is precisely an abuse of power and violation of principles of natural justice. In view of the same, I am of the considered view that the impugned order dated 25.11.2024 is liable to be set aside and accordingly, the same is set aside.

6. However, the learned Government Advocate appearing for the third respondent drew my attention to the complaint, which was received from one ward councillor, namely, C.S.Subash stating the manner in which the said spa is being conducted.

7. In view of the above, this Court directs the third respondent to forthwith put the petitioner on notice in this regard and give him an opportunity of hearing and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order.



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8. With the above direction, this writ petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

29.11.2024

NCC : Yes / No
Index : Yes / No
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TO:-

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3. The Executive Officer,
Kanyakumari Special Grade Town Panchayat,
Kanyakumari.



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L.VICTORIA GOWRI, J.

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Order made in
W.P.(MD)No.28746 of 2024

Dated
29.11.2024