

WP NO. 22948 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **25.06.2025**

CORAM

THE HONOURABLE MRS JUSTICE N. MALA

WP NO. 22948 of 2025

and W.M.P.No.25780 of 2025

S.SatyaBeeman

...Petitioner

Vs.

The Commissioner
Avadi Municipal Corporation
Avadi,
Thiruvallur District.

..Respondent

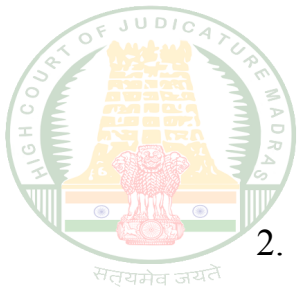
Prayer : Writ Petition is filed under Article 226 of Constitution of India for issuance of writ of Certiorari, to call for the records concerning the impugned order vide Na.Ka.No.4236/2025/H3, dated 19.06.2025 from the file of the respondent and quash the same as illegal.

For Petitioner: Mr.K.Venkataramani
Senior Advocate
for Mr.S.B.Viswanathan

For Respondent: Mr.R.A.Gopinath
Standing Counsel

ORDER

This petition has been filed to call for the records concerning the impugned order vide Na.Ka.No.4236/2025/H3, dated 19.06.2025 from the file of the respondent and quash the same as illegal.

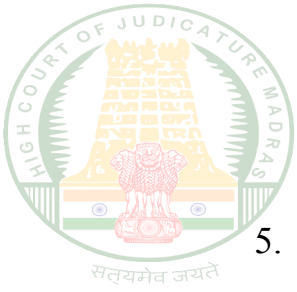


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2. Mr.R.A.Gopinath, learned Standing Counsel takes notice for the respondents.

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

4. The petitioner took a space measuring an extent of 1200 sq.ft at Thirumullaivoyal for rent. After getting no objection letter from the landlord, the petitioner applied for a license and the respondent also granted a license on 12.01.2024, to the petitioner to run a Saloon, Beauty Parlour and Spa. As the license expired on 31.03.2025, the petitioner applied for a fresh license and the petitioner obtained the same on 09.04.2025. In the license dated 12.01.2024, the respondent mentioned the trade name as 'Other Categories' and sub-trade name as 'Beauty Parlour'. But in the license dated 09.04.2025, the respondent mentioned the trade name as 'Beauty Parlours/Spas without Partition or Rooms' and sub-trade name as 'Small Enterprises'. While so, on 19.06.2025, the respondent cancelled the license dated 09.04.2025, granted to the petitioner, on the ground that on inspection it was found that the petitioner was running a Beauty Parlour and Spa with partitioned rooms. Aggrieved by the impugned cancellation order, the petitioner filed the above writ petition for the aforesaid relief.



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5. Learned counsel for the petitioner submitted that the respondent passed the impugned order dated 19.06.2025, without even affording an opportunity of hearing to the petitioner. The counsel further submitted that as per Section 302(1)(c) of the Tamilnadu Urban Local Bodies Rules 2023, the petitioner was entitled to show cause notice of seven(7) days. The counsel therefore submitted that there was total violation of the statutory provisions and the principles of natural justice and hence the impugned order deserved to be quashed.

6. Rule 302 of the Tamilnadu Urban Local Bodies Rules 2023, reads as follows:

"302. Revocation or suspension of licence.—

(1) Where the Commissioner either suo-motu or on a representation from general public has reason to believe that,—

(a) the licence has been fraudulently obtained;

(b) the licence has been used for the purpose other than the purpose for which the licence has been granted;

(c) any condition of the licence has been contravened, he shall call upon the Licensee by notice in writing, stating grounds, to show cause within seven days as to why the licence should not be revoked or suspended.

(2) On examining the reply received from the licensee and giving the person an opportunity of being heard, the Commissioner may either,—



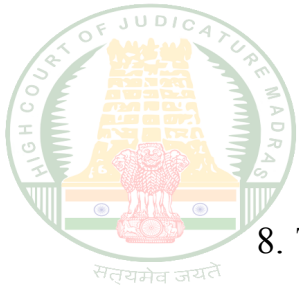
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- (i) *revoke the licence; or*
- (ii) *suspend the licence with such directions as he may deem necessary; or*
- (iii) *drop further action, if he is satisfied that no further action is needed.*
- (3) *A suspended licence may be revived on application to the Commissioner, if he is satisfied that the directions have been duly complied with"*

A bare reading of the aforesaid Rule reveals that the petitioner is entitled to a show cause notice and an opportunity of hearing. Admittedly, in the present case, the procedure contemplated under Rule 302 of the Tamil Nadu Urban Local Bodies Rules 2023, has not been followed and therefore, the impugned order cannot be sustained. Accordingly, the matter is remanded to the respondent for fresh consideration. The respondent shall strictly follow the procedure stipulated in Rule 302 and thereafter pass orders on merits and in accordance with law. The said exercise should be completed by the respondent, within a period of eight(8) weeks from the date of receipt of a copy of this order.



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8. The writ petition is accordingly allowed with the aforesaid directions.

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No costs. Consequently connected miscellaneous petition is closed.

25.06.2025

Index :Yes/No
Internet :Yes/No
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To
The Commissioner
Avadi Municipal Corporation
Avadi,
Thiruvallur District.



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N. MALA, J.

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