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N. Suresh Vs. the Additional Director General of Police, Enforcement and Others

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Court : Chennai

Decided On : Aug-30-2012

Judge : M. Jaichandren

Appeal No. : W.P. No. 22927 of 2012 & M.P. Nos. 1 & 2 of 2012

Appellant : N. Suresh

Respondent : The Additional Director General of Police, Enforcement and Others

Advocate for Pet/Ap. : For the Petitioner: K. Raja, Advocate. For the Respondents: R1, R. Ravichandran, A.G.P., R2 and R3, S. Muthuraj, Advocate.

Judgement :

(Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of certiorari to call for the impugned order of the first respondent in his proceeding C.No.P4/3402/2012 dated 13.08.2012, impugned order of the second respondent in his proceeding Rc.No.P-1/9083/2012 dated 16.08.2012 and impugned order of the third respondent in his proceeding A7/1870/2012 dated 17.08.2012 and quash the same.)

1. Heard the learned counsel appearing for the petitioner, as well as the learned counsels appearing on behalf of the respondents.

2. The main contention of the learned counsel for the petitioner is that the third respondent had passed an impugned order, dated 17.08.2012, based on the recommendations of the first and second respondents, dated 13.08.2012 and 16.08.2012, respectively, without giving an opportunity of hearing to the petitioner. Therefore, the impugned order of the third respondent, dated 17.08.2012, is liable to be set aside.

3. The learned counsels appearing on behalf of the respondents had not refuted the said submissions made by the learned counsel for the petitioner. Thus, it is clear that no opportunity of hearing had been given to the petitioner before the impugned order, dated 17.08.2012, had been passed by the third respondent. By the said impugned order, dated 17.08.2012, the third respondent had cancelled the bar license, which had been issued in favour of the petitioner. The petitioner had also been informed that the security deposit amount of Rs.2,92,500/- would be forfeited.

4. In view of the submissions made by the learned counsel appearing on behalf of the petitioner and on a perusal of the records available, it is found that the third respondent had passed the impugned order, dated 17.08.2012, without giving an opportunity of hearing to the petitioner. As such, the impugned order has been passed in violation of the principles of natural justice. Hence, it is liable to be set aside. Accordingly, the impugned order of the third respondent, dated 17.08.2012, is set aside. However, it is made clear that it would be open to the third respondent to pass appropriate orders, with regard to the allegations levelled against the petitioner, after giving an opportunity of hearing to him. The petitioner shall appear before the third respondent, on 10.09.2012, along with the relevant records, if any, to substantiate his claims that there were no violations of the tender conditions and the conditions prescribed for the issuance of the bar license.

5. The writ petition is ordered accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

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