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W.P.(MD) No.5665 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.12.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN**

**W.P.(MD) No.5665 of 2023
and
W.M.P.(MD) No.5270 of 2023**

Amsaveni

... Petitioner

-vs-

- 1.The Deputy Director of
Regional Town and Country Planning
Madurai Region
Madurai
- 2.The District Collector
Virudhunagar District
Virudhunagar
- 3.The Revenue Divisional Officer /
Sub Collector
Sivakasi, Virudhunagar District
- 4.The Tahsildar
Srivilliputtur Taluk
Virudhunagar District



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5.The Commissioner
Srivilliputtur Municipality
Virudhunagar district

6.The Secretary
Narayana Guruvaiah Chetty's
Estate & Charities
NGCE & Charities Centenary Building
Old No.2 (New No.3)
Gosha Sahib Lane
Chennai-600 001

7.Seenivasan
Manager / Incharge-Officer
Narayana Guruvaiah Chetty's
Estate & Charities
Door No.5/3, Amman Sannathi Street
Srivilliputtur
Virudhunagar District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari to call for the records of the fourth respondent in his proceedings in K.Dis(A1)/1753/2022, dated 13.05.2022 and quash the same as illegal, arbitrary, violation of law.

For Petitioner : Mr.M.Jothi Basu

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader for R1 to R4
Mr.J.Parekh Kumar for R5
Mr.S.Raja Jeyachandra Paul for R6 & R7



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ORDER

[Order of the Court was made by V.LAKSHMINARAYANAN, J.]

The grievance of the petitioner is that the respondents 6 and 7 are utilizing the subject property (i.e. Bhavanam), which is situated at Natchiar Sannadhi Street, Srivilliputhur, Virudhunagar District, for the purpose of conducting marriage ceremonies, which results in nuisance to the petitioner. It is the further case of the petitioner that the respondents 6 and 7 did not obtain any prior permission from the competent authorities to convert the above Bhavanam as a marriage hall.

2. When the matter came up for hearing on 29.11.2023, learned counsel for the respondents 6 and 7 submitted that the respondents 6 and 7 will not utilize the premises as a marriage hall, but will utilize it only for the purpose of dining, after the marriage is solemnized elsewhere. Accordingly, an undertaking affidavit, dated 11.12.2023, has been filed by the seventh respondent for himself and on behalf of the sixth respondent. Paragraph Nos. 2, 3 and 4 of the said undertaking affidavit are extracted hereunder:

“2.I submit that, the writ petition property is the property, which absolutely belongs to the 6th Respondent



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Trust and the same is managed by me. The said property is assessed as a commercial property by the Srivilliputtur Municipality and it is used as a hall, for conducting auspicious gathering, religious ceremonies and also as dining section, for some of the marriages solemnized in the Srivilliputtur Andal Temple and other Temples, since the temples lack dining space.

3.I submit that, the said property is being used by the needy public to conduct pre-wedding and post-wedding ceremonies and for religious ceremonies only and no marriages will be solemnized therein.

4.I undertake that, during such ceremonies, no audible electric gadgets, busting of crackers and speakers be used for the said ceremonies and only the traditional musical instruments alone shall be used, as it is a traditional practice being followed by the people at large, and the same is considered as a sacrament.”

3. The averments in Paragraph No.4 are running contrary to the averments in Paragraph No.5 of the said undertaking affidavit. It is not the business of the seventh respondent to state whether the petitioner will have any objection to the same or not.



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4. The respondents 6 and 7, as per the above undertaking affidavit, will not use the premises for the purpose of conducting any marriage ceremonies, and they will use it only for dining purpose. No music instruments, whether it is traditional or electrical shall be used.

5. The statement of the learned counsel appearing for the respondents 6 and 7 that the premises will be used only as a dining hall is recorded.

6. Recording the above undertaking affidavit, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[S.M.S., J.]

[V.L.N., J.]

13.12.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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