

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2016

C O R A M:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE DR. JUSTICE P. DEVADASS

W.A. Nos.1614 and 1615 of 2015

R. Chandrasekaran ...Appellant (In WA No.1614/2015)

Vs.

1. The Commissioner,
Erode Municipal Corporation,
Panneer Selvam Park,
Erode 638 001.

2. B. Rangunandhan ...Respondents(In WA No.1615/2015)

M/s Hotel Gowri Shankar,
Erode Bus Stand Complex,
Chintamani Market Back Side,
Erode Bus Stand,Erode.3.Appellant (In WA No.1615/2015)

1. B. Rangunandhan

2. The Commissioner,
Erode Municipal Corporation,
Panneer Selvam Park,
Erode 638 001. ...Respondents(In WA No.1615/2015)

Prayer:-Appeals filed under Clause 15 of Letters Patent to
set aside the order dated 16.09.2015 passed in W.P. Nos. 29101
and 29346 of 2015.

Prayer in WP.29101/2015

Praying for writ of Mandamus directing the 1st respondent to
forbear the 2nd respondent to change or alter the usage of his
leasehold shop from computer center to Hotel business in the

First Floor of A Block at the New Bus Stand Erode by taking action on petitioner representation dated 12.9.2015 pursuant to the proceedings made in Na.Ka. No.A1/1690/15 dated 24.7.2015 issued by the 1st respondent.

Prayer in WP.29346/2015:-

Praying for writ of Mandamus forbearing the respondents from cancelling the petitioners lease agreement which was granted to the petitioner in Na. Ka. No.A2/22112/200 dated 7.11.2005 except by due process of law.

WA.1614/2015:-

For Appellant : Mr.A.R.L.Sundaresan Senior Counsel for
Mr.A.Thiyagarajan

For Respondents : Mr.P.Srinivas for R1
Mr.R.Chandrasekaran for R2

WA.1615/2015:-

For Appellant : Mr. S. Ramesh
For respondents : Mr. R. Chandrasekaran - R1
Mr. P. Srinivas - R2

COMMON JUDGMENT
(Delivered by SATISH K. AGNIHOTRI,J.,)

With the consent of the learned counsel for the parties, these two writ appeals are taken up for final disposal.

2. Both the appeals arise from the common order dated 16th September, 2015 passed in W.P. Nos. 29101 and 29346 of 2015.

3. The issue involved in the writ petitions was as to whether the writ petitioners were running their respective hotels in accordance with proper permission and approval granted by the competent authorities.

4. It is pointed out by the Municipal Commissioner, Erode Municipality that even the second respondent in W.P. No.29101 of 2015, viz., Raghunathan, who was the writ petitioner in WP No. 29346 of 2015 is continuing the hotel business without proper licence and permission.

5. Be that as it may, the issue involves disputed question of facts. The Municipal Commissioner, Erode

Municipality is obligated to examine the complaints of no approval for running businesses in the local area. The Municipal Commissioner is also directed to examine as to whether Mr.B.Raghunathan has obtained proper approval and permission for running the hotel business. If on enquiry in accordance with law, it is found that he is similarly situated and running the hotel business without permission or approval, the Commissioner is obliged to take consequential action against the violators of all business men in accordance with law.

6. Accordingly, with the consent of the parties, we grant two weeks' time to the appellant in both the appeals to produce the relevant documents viz., approvals/permissions available with them before the first respondent Municipal Commissioner, who shall examine the same and take consequential action in accordance with law and on its own merits, without being influenced by any observation made by the learned single Judge, within a period of two weeks thereafter.

Both the writ appeals are disposed of accordingly. No costs. Connected miscellaneous petitions are closed.

sd/-

Assistant Registrar(CO)

/TRUE COPY/

Sub-Assistant Registrar

ra

To

The Commissioner,
Erode Municipal Corporation,
Panner Selvam Park, Erode - 638 001.

+2 CC to MR.A.Thiyagarajan Advocate. SR.NO.391

+1 CC to MR.P. Srinivas Advocate. SR.NO.375

+1 CC to MR.R. Chandrasekaran Advocate. SR.NO.510

W.A. No.1614 & 1615 of 2015

CO-SVI
JD 11/01/2016

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