

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2016

CORAM

THE HONOURABLE MR.JUSTICE N. KIRUBAKARAN

W.P.No.30223 of 2016

V.Rajammal

...Petitioner

Vs.

1. The District Collector,
Krishnagiri

2. The Commissioner,
Hosur Municipality,
Hosur.

3. The Tahsildar,
Hosur.

[R-3 impleaded as per order of
this court dated 31.08.2016]

.... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents herein to consider the petitioner's representation dated 15.07.2015 followed by the remainders dated 10.08.2015 and 06.06.2016 and pass appropriate orders within the time frame.

For Petitioner : Mr.N.C.Ashok Kumar

For R-1 & R-3 : Mr.V.Jayaprakash Narayanan
Special Government Pleader

For R-2 : Mr.T.M.Pappiah,
Special Govt. Pleader

O R D E R

The petitioner is one of the owners of the property bearing Door No.58/1, Rayakottai Road, Hosur Town alongwith her sons and a Kalyana Mandapam in the name and style of R.K.Mahal is being run and the property tax stands in her name. After the fire accident in the Kumbakonam School in which about 100 students died, the Special Commissioner and Commissioner of Revenue Administration issued a Circular dated 17.09.2005 and instructions were given to the Collectors and DROs to prevent fire disasters. Further, instructions have been given to authorities concerned to inspect all the public buildings like

the Kalyana Mandapam where the general public used to assemble and see whether all the safety measures have been taken in the said building.

2. Since the inspection has to be made by the Tahsildar as per the circular dated 17.09.2005 issued by the Special Commissioner and Commissioner of Revenue Administration, this Court, suo moto impleads The Tahsildar, Hosur as third respondent in this writ petition.

3. Heard Mr.N.C.Ashok Kumar, learned counsel appearing for the petitioner, Mr.V.Jayaprakash Narayanan, learned Special Government Pleader who accepts notice for the first and newly impleaded third respondent and Mr.T.M.Pappiah, learned Special Government Pleader who takes notice for the second respondent.

4. Though the petitioner is one of the owners of the property and the property tax and license stands in her name, in fact, the petitioner's two sons have been running the Kalyana Mandapam and they are not taking care of the repair works properly. Therefore, the petitioner gave representation to the second respondent on 15.07.2015 to cancel her license. However, sons of the petitioner are merely running the Kalyana Mandapam without making any repairs. The petitioner is of the apprehension that if any untoward incident occurs, she would be held liable for that and therefore, has approached this court seeking writ of mandamus directing the respondents to consider the petitioner's representation dated 15.07.2015.

5. Though the petitioner has sought for cancellation of license through her representation dated 15.07.2015, the facts and circumstances of the case only makes this court to give a direction to the third respondent to inspect the Kalyana Mandapam of the petitioner and see that the public safety is ensured.

6. Though it is fashioned as if the petitioner is concerned with the public safety, in reality, it is an arm twisting method adopted by the petitioner to bring her sons to her line. In any event, since the public safety has been made as an issue, it is appropriate to direct the authorities concerned to inspect the petitioner's Kalyana Mandapam.

7. Accordingly, the third respondent is directed to inspect the petitioner's Kalyana Mandapam namely R.K.Mahal situated at Door No.58/1, Rayakottai Road, Hosur Town and see as to whether the public safety measures as stated in the Circular of Special Commissioner and Commissioner of Revenue Administration dated 17.09.2005 have been followed or not and to

take appropriate action, in accordance with law, within a period of four (4) weeks from the date of receipt of a copy of this order

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

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

rgr

To

1. The District Collector,
Krishnagiri
2. The Commissioner,
Hosur Municipality,
Hosur.
3. The Tahsildar,
Hosur.

+1cc to Mr.C. Jagadish, Advocate, S.R.No.49600
+1cc to the Government Pleader, S.R.No.49833

SR(CO)
EU(27/09/2016)

सत्यमेव जयते

W.P.No.30223 of 2016

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