



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.10.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P (MD) No.15458 of 2015

and

M.P (MD) Nos.1 and 2 of 2015

T.Rajmohan

... Petitioner

Vs.

1.The District Collector,
Tiruchirappalli District,
Tiruchirappalli.

2.The Revenue Divisional Officer,
Collectorate,
Tiruchirappalli.

3.T.Jayaraman

4.J.Thilagavathi

5.T.Rethinathammal

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records culminated in the impugned Notice in Rc.A1-1107-2015 dated 09.07.2015 on the file of the 2nd respondent and quash the same as illegal, unenforceable, ultravires without jurisdiction and directing the 1st respondent by way of Mandamus not to issue C Form Licence either in favour respondents 3 to 5 to run M/s.Thangaraja Theatre at the property comprised in Ayan Punja land Old S.F.No.200/1A new S.F.No.69/1A1 situate at Pirattiyur Village, Edamalaipattipudur, Tiruchirappalli West Taluk and Tiruchirappalli District measuring to an extent of North South on the western side 128 feet, on the Eastern side 105 feet, East West on the Northern side 171 feet, on the Southern side 208 feet and pass orders.

For Petitioner : Mr.K.S.Shankar Murali

For Respondents : Mr.J.Gunaseelan Muthiah

(R1 & R2)

Government Advocate

For Respondents : Ms.Maria Roseline

(R3 to R5)

ORDER

This Writ Petition has been filed praying for issuance of a Writ of Certiorarified Mandamus, calling for the records



culminated in the impugned Notice in Rc.A1-1107-2015 dated 09.07.2015 on the file of the 2nd respondent and quash the same as illegal, unenforceable, ultravires without jurisdiction and directing the 1st respondent by way of Mandamus not to issue C Form Licence either in favour respondents 3 to 5 to run M/s.Thangaraja Theatre at the property comprised in Ayan Punja land Old S.F.No.200/1A new S.F.No.69/1A1 situate at Pirattiyur Village, Edamalaipattipudur, Tiruchirappalli West Taluk and Tiruchirappalli District measuring to an extent of North South on the western side 128 feet, on the Eastern side 105 feet, East West on the Northern side 171 feet, on the Southern side 208 feet and pass orders.

2. I have heard the learned counsel appearing on either side and perused the materials available on record.

3. According to the petitioner, there is a dispute between the petitioner and the respondents 3 to 5 regarding issuance of C-Form Licence. When the said dispute is pending, now the second respondent issued Notice in Rc.A1-1107-2015 dated 09.07.2015, for conducting enquiry and he has no power to conduct the enquiry.

4. The learned counsel appearing for the respondents 3 to 5 would submit that already the respondents 3 to 5 made application before the District Collector, Tiruchirappalli, for renewal of C-Form Licence and to cancel the C-Form Licence issued in favour of the petitioner. Pending consideration of the appeal, since there is a dispute between the brothers, the District Collector, directed the Revenue Divisional Officer, Tiruchirappalli, to conduct Mediation between the brothers, hence, the above notice has been issued by the second respondent.

5. The learned counsel appearing for the petitioner would submit that the petitioner is not willing to appear for Mediation, since already several rounds of Mediation failed.

6. In the above circumstances, I am of the opinion that the Revenue Divisional Officer is not an authority to grant C-Form Licence, he cannot compel any party to appear for Mediation and he has no power to issue the impugned Notice, therefore, the impugned Notice, dated 09.07.2015, is hereby set aside. However, it is always open to the petitioner to approach the District Collector, Tiruchirappalli, regarding renewal of C-Form licence.

7. With the above direction, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CSII)



1.The District Collector,
Tiruchirappalli District,
Tiruchirappalli.

2.The Revenue Divisional Officer,
Collectorate,
Tiruchirappalli.

+1cc to Mr.K.S.Shankar Advocate Sr.No. 60014

+1cc to M/S J.MARIA ROSELINE Advocate Sr.No. 59695

+1cc to Spl.Government Pleader Sr.No. 59868

JAM/01.11.16/SKS-RR/3P-6C

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