

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2017

CORAM :

THE HONOURABLE Mr.JUSTICE B.RAJENDRAN

W.P.No.2385 of 2017
and
W.M.P.No.2369 of 2017

S.Chinnaraj,
President,
Tirukoilur Cloth & Readymade
Merchants Association,
No.12J, Kattagopuram Street,
Tirukoilur, Villupuram District. Petitioner

Vs.

- 1.The District Collector,
Villupuram.
- 2.The Tahsildar,
Tirukoilur.
- 3.The Proprietor,
R.V.Mahal,
No.123/78, West Street,
Tirukoilur-605 757.
- 4.The Proprietor,
Sri Kamatchi amman Tirumanamandapam,
No.74, East Street,
Tirukoilur-605 757. सत्यमेव जयते
- 5.The Proprietor,
K.P.N.Thirumanamandapam,
No.47, East Street, Tirukoilur-605 757.
- 6.The Proprietor,
K.L.V.K.Sri Vignesh Thirumana Mahal,
No.68/24, East Street, Tirukoilur.
- 7.The Proprietor,
R.S.P.Residency &
Anusuya Sriramullu Chettiar Thirumana Mahal,
No.11, East Street, Tirukoilur.

8.The Proprietor,
Thirumagal Thirumanamandapam,
No.60A, Sannathi Street,
Tirukoilur.

9.The Proprietor,
Sri Radha Thirumana Mahal,
No.33, Market Street,
Tirukoilur.

10.The Proprietor,
Lakshmi Balaji Thirumana Mandapam,
No.11A, Hospital Road,
Tirukoilur.

... Respondents

Prayer: Writ Petition has been filed under Article 226 of the Constitution of India, praying for issuance of a writ of Mandamus, directing the respondents 1 & 2 to forbear the respondents 3 to 10 from using the marriage halls for unauthorised sale of goods and for any other purpose other than the one permitted under the license to run the marriage halls.

For Petitioner : Mr.N.Suresh

For Respondents : Mr.A.Kumar, Spl GP for R1 & R2

ORDER

This Writ Petition has been filed by the petitioner-Association, praying for issuance of a writ of Mandamus, directing the respondents 1 & 2 to forbear the respondents 3 to 10 from using the marriage halls for unauthorised sale of goods and for any other purpose other than the one permitted under the license to run the marriage halls.

2.Heard both sides and perused the materials available on record.

3.A preliminary objection has been raised by the learned Special Government Pleader, asserting that the writ petition is not maintainable in view of the fact that the petitioner-Association has come forward with this writ petition with an omnibus prayer. The said argument of the learned Special Government Pleader is well founded. As pointed out by the learned Special Government Pleader, the maintainability of the writ petition filed by an association came up for consideration before the Division Bench of this Court reported in (Tamilaga Asiriyar Kootani, rep. By the General Secretary V. Annamalai vs. The Government of Tamil Nadu, rep. By its Secretary to

Government, School Education Department, Chennai - 9 and others)
2005 Writ Law Reporter 389 wherein in para No.15, it was held as follows:-

"15. In our opinion, if any educational institution or Head Master or Teacher is aggrieved by the impugned G.O. Ms. No.13 dated 09.02.2005, they can file a writ petition in this Court, challenging the same, but the appellant-association had no locus standi in the matter. It cannot be said that the educational institutions or Head Masters are so poor that they are unable to approach this Court. If any particular educational institution or Headmaster has a grievance against the impugned G.O. Ms. NO.13 dated 09.02.2005, it is for such a person to file a writ petition or writ appeal, and not for any association. The writ appeal is dismissed on the ground of lack of locus standi. The writ petition is dismissed for the same reason."

4. In the light of the aforesaid decision of this Court, the petitioner Association has no locus standi to file the present writ petition. Accordingly, the writ petition is dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1.The District Collector,
Villupuram.

2.The Tahsildar,
Tirukoilur.

+1cc to the Government Pleader Sr.6473
+1cc to Mr.N.Suresh, Advocate Sr.6675

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