



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 16.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.A.(MD)No.728 of 2014

K.Abdul Hameed

: Appellant/Petitioner

Vs.

1.The District Collector,
Dindigul District, Dindigul.

2.The Revenue Divisional Officer,
Dindigul.

3.The Tahsildar,
Dindigul Taluk,
Dindigul.

4.Muthoot Fin.Corp.Limited,
represented by its Manager,
239, Thirumalai Prabhu Complex,
North Cross Street, Dindigul.

5.M.Narayanan Chettiyar,
Dindigul District Auctioneer

: Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act, praying this Court to set aside the order passed by this Court in W.P(MD)No.7510 of 2011, dated 13.8.2013.

Prayer in WP(MD). 7510/ 2011 :

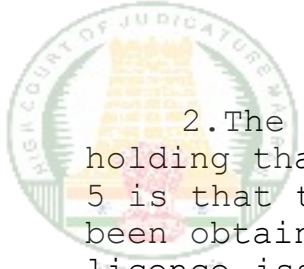
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF MANDAMUS, directing the 1st and 2nd Respondents to conduct an enquiry on the basis of the representation of the Petitioner dated 07-03-2011 and thereby cancel the license of the 5th Respondent.

For Appellant	: M/s.D.Sadiq Raja
For Respondent Nos.	: Mr.VR.Shanmuganathan
1 to 3	Special Govt.Pleader
For Respondent Nos. 4 & 5	: Mr.P.Pethu Rajesh

JUDGMENT

[Judgment of the Court was made by **M.M.SUNDRESH, J.**]

The appellant being the Writ Petitioner, who sought for a Writ of Mandamus for a direction to the respondents 1 and 2 to consider his representation, dated 7.3.2011 and thereby cancel the licence granted in favour of the respondents 4 and 5 under the provisions of Pawn Brokers Act, 1943.



2.The learned Single Judge dismissed the Writ Petition by holding that what is applicable to the case of the respondent 4 and 5 is that the Reserve Bank of India requires a Certificate which has been obtained from the competent authority and in the absence of any licence issued by respondents 1 to 3 in favour of the respondents 4 and 5 under the provisions of Pawn Brokers Act, 1943, no such direction can be issued. Challenging the same, the present Writ Appeal has been filed.

3.The learned counsel for the appellant would submit that it is for the respondents 4 and 5 to challenge the same for whom licence was issued by respondents 1 to 3.

4.It is the specific case of the respondents 4 and 5 that licence was issued to them under the provisions of Pawn Brokers Act, 1943. On contrary, they have obtained certificate from Reserve Bank of India. Reserve Bank of India is not a party to the present proceedings. It is not the case of the respondents 1 to 3 that the respondents 4 and 5 doing their business without any licence as required under the provisions of the above Act. It is for the appellant to substantiate his case on the requirement of licence. Therefore we do not find any merit in the Writ Appeal and thus the Writ Appeal fails.

5.Accordingly, the Writ Appeal stands dismissed. No costs.

Sd/-

Assistant Registrar(WRITS)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Dindigul District,
Dindigul.

2.The Revenue Divisional Officer,
Dindigul.

3.The Tahsildar,
Dindigul Taluk,
Dindigul.

+1cc to Mr.P.PETHURAJESH Advocate in SR. No.72517

+1cc to Mr.D.SADIQ RAJA Advocate in SR. No.72877

VSN

JS/GT/SAR.2/30.08.2017/3P-6C