



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:18.04.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A. (MD) No.394 of 2017 &
C.M.P. (MD) .Nos.3510 to 3512 of 2017

N.Balasubramanian

... Appellant/Writ Petitioner

Vs.

1. The District Collector,
Collectorate, Trichy District.

2. The District Welfare Fund Committee
Represented by Treasurer K.Govindaraju
S/o.Late Mr.Krishnan
Having Office at No.15/D. Mcdonalds Road,
Cantonment, Trichy-1.

3. The Superintending Engineer, (PWD),
Planning & Design (Building) Circle,
Chepauk, Chennai-5.

... Respondents/Respondents

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent Act to set aside the order in W.P.(MD).No.1259 of 2016, dated 29.03.2016.

Prayer in WP(MD). 1259/ 2016 :

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of certiorarified mandamus to call for the records pertaining to the Impugned Order in Na.Ka.D1/28015/2015 dated 12.01.2016 on the file of the Respondent and quash the same as illegal and consequently for a direction, directing the Respondent to remove the seal from the theatre and renew C Form licence for Kalaiyarangam Theatre (A/C) No.15/D, Mc Donalds Road, Cantonment, Trichy belonging to the District Welfare Fund Committee in Trichy City based on the application of the petitioner dated 21.11.2015 for a period of one year from 15.01.2016 to 14.01.2017 within a time stipulated.

For Appellant : Mr.T.Lajapathi Roy
For Respondents : Mr.V.Muruganantham for R1 & R3
Additional Government Pleader
Mr.G.Ethirajulu for
Mr.P.Arun Jayatram for R2

**JUDGMENT****[Judgment of the Court was delivered by T.S.SIVAGNANAM,J]**

We have heard Mr.T.Lajapathi Roy, learned counsel for the appellant, Mr.V.Muruganantham, learned Additional Government Pleader for the respondents 1 and 3 and Mr.G.Ethirajulu learned counsel for the second respondent.

2. Appellant is the writ petitioner who filed writ petition challenging the order, dated 12.01.2016 passed by the first respondent, and for consequential direction to remove the seal from the Theatre and renew the 'C' form license for their Theatre in question, which was owned by the District Welfare Fund Committee in Trichy City.

3. The learned single Judge had considered the matter elaborately and after perusing the materials placed on record found that there is serious issue with regard to the stability of the building. That apart the appellant was liable to pay a huge amount of Rs.3,01,00,000/- out of which the writ petitioner has paid only 30,30,000/- representing 25% of the lease amount. Thus, on a perusal of the finding rendered by the learned Single Judge, we find that there is no error in the order and the appellant has not been able to dislodge the factual finding recorded by the learned Single Judge in the impugned order. Accordingly, there is no good ground to entertain the writ appeal and the same is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Collectorate, Trichy District.
2. The Superintending Engineer, (PWD),
Planning & Design (Building) Circle,
Chepauk, Chennai-5.

+ 1 CC TO Mr.T.LAJAPATHI ROY, ADVOCATE IN SR No. 52754

+ 1 CC TO Mr.P.ARUN JAYATRAM, ADVOCATE IN SR No. 52469

JIKR

TE/MR : 10/05/2017 : 2P/5C

<https://hcservices.ecourts.gov.in/hcservices/>W.A.(MD) No.394 of 2017 &
C.M.P. (MD).Nos.3510 to 3512 of 2017
18.04.2017