

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.26434 of 2012

ORDER:

This writ petition is filed with a prayer to declare the action of the respondents in issuing individual notices, dated 23.07.2012, to the petitioners, directing them to stop running hostels in the residential premises, as illegal and arbitrary, and consequently, set aside the same.

Learned counsel for the petitioners submitted that while ordering notice before admission on 24.08.2012, this Court passed the following interim order:

“Counsel for the petitioners submits that the petitioners are prepared to submit applications seeking trade licence. It is open to the petitioners to apply for trade licence, in which event, the 1st respondent - commissioner is empowered to examine the same, having regard to the suitability of premises and take appropriate decision on such applications for grant of trade licence. However, for a period of two weeks, no coercive steps shall be taken against the petitioners”,

and in pursuance to the said interim order, the petitioners have made representations on 07.09.2012 to the respondents and the same were rejected on 27.09.2012 and in view of pendency of the writ petition, the petitioners could not challenge the rejection order before the appropriate forum and therefore, they may be permitted to challenge the said rejection orders before appropriate forum.

Considering the facts and circumstances of the case and also the submissions of the learned counsel for the petitioners, this Court is of the view that this writ petition can be disposed of by giving liberty to the petitioners to challenge the rejection orders before appropriate forum, if they so desire.

Accordingly, the Writ Petition is disposed of giving liberty to the petitioners to challenge the rejection orders before appropriate forum, if they so desire. No order as to costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

January 30, 2017
KTL

