

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2018

C O R A M

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

Writ Petition No.26822 of 2018
and
W.M.P. No.31173 of 2018

S.Saravanan,
S/o. Selvaraj Mudaliar,
No.58, Subramaniam Koil Street,
Lawspet, Lawspet Post,
Puducherry - 605 008. Petitioner

Vs.

1. The Union Territory of Puducherry,
Represented by its Chief Secretary,
Secretariat,
Puducherry.
2. The Commissioner,
Pondicherry Municipality,
Puducherry - 605 001.
3. S.Muruvappan,
S/o. Selvaraj Mudaliar,
No.263-265, Jawaharlal Nehru Street,
Puducherry.
4. M/s. Girias Investment (P) Limited,
Represented by its Director
Nitesh Giria,
No.249, AH Block, 7th Main Road,
1st Street, Shanthi Colony,
Chennai - 600 040. Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, either forbearing the 2nd Respondent from issuing trade license to the 4th Respondent herein for his commercial shop at Door No.263-265, Jawaharlal Nehru Street, Puducherry - 605 001, or in the event of said license being issued, initiate proceedings for cancellation of License based on the Petitioner's representation dated 15.09.2018.

For Petitioner : M/s.P.Veena Suresh

For Respondents: Mr.D.Ravichander (for R1 & R2),
Government Advocate.

Mr.G.Vivekanand (for R4)

O R D E R

The writ petition has been filed restraining the 2nd respondent/Pondicherry municipality from issuing trade license to the 4th respondent herein, for the commercial shop at Door No.263 - 265, Jawaharlal Nehru Street, Puducherry - 605 001, or in the event of said license being issued, initiate proceedings for cancellation of License based on the petitioner's representation dated 15.09.2018.

2. According to the petitioner the above disputed property was jointly purchased by the petitioner and his brothers. Each brothers have undivided interest and 1/6th share in the above mentioned property. Now a suit was also filed by the petitioner seeking partition and separate possession of the petitioner's 1/6th share in the suit properties, the suit is still pending. In the mean time one of the co-sharer namely the 3rd respondent had executed a lease deed with the 4th respondent herein. Now the 4th respondent filed an application before the 2nd respondent seeking trade license. Since the petitioner having an undivided share in the suit property, he has raised his objections before the 2nd respondent for granting trade license to the 4th respondent. The grievance of the petitioner is that without considering the objections raised by the petitioner, now the 2nd respondent is taking steps to grant trade license to the 4th respondent. Hence, the present writ petition has been filed.

3. Mr.D.Ravichander, learned Counsel appearing for the 1st and 2nd respondents on instruction submitted that the application filed by the 4th respondent is still pending. So far no order has been passed and they are ready to consider the application and also hear the objections of the writ petitioner and pass suitable orders.

4. The learned Counsel appearing for the 4th respondent submitted that already there is a family arrangement between the petitioner and his brothers. Considering the same only, he has entered into a lease agreement with the 3rd respondent.

5. Be that as it may, as the application filed by the 4th respondent is pending before the 2nd respondent, the 2nd respondent is directed to consider the application and also the objection filed by the petitioner herein and pass suitable orders on merits and in accordance with law, after giving opportunity to the petitioner as well as the 4th respondent, within a period of 4 weeks from the date of receipt of the copy of this order.

6. The writ petition is disposed of, with the above directions. No Costs. Consequently, the connected miscellaneous petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

msvm

To

1. The Chief Secretary,
The Union Territory of Puducherry,
Secretariat,
Puducherry.
2. The Commissioner,
Pondicherry Municipality,
Puducherry - 605 001.

+1 CC to Mr.P. Veera Suresh, Advocate sr 76712.

+1 CC to Mr.G.Vivekanand, Advocate sr 76824.

+1 CC to The Govt. Pleader sr 76801.

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SP(11/01/2019)

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