

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2022

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THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.No.15234 of 2019
and
W.M.P.No.15219 of 2019

V.Natarajan

...Petitioner

Vs.

1.The Commissioner,
Chidambaram Municipality,
Chidambaram.

2.S.Manivel

3.S.Selvi

4.The Inspector of Police,
Chidambaram Town Police Station,
Cuddalore District.

...Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent in his proceedings Na.Ka.No.1589/2018/A1 and quash his order dated 12.11.2018 and direct him to change the license in the petitioner's name regarding three (3) shops under the name and style "Velu Cafe" with shop Nos.1,2 and 6 in Chidambaram Municipal Bus Stand as per the petitioner's representation made to him on 21.08.2018.

For Petitioner : Mr.L.Chandrakumar for
M/s.K.G.Senthil Kumar

For Respondents : Mr.P.Srinivas for R1
Mr.R.Srinivasan for
M/s.S.Sithirai Anandan for R2
Mr.B.Dhanaraj for R3

ORDER

The petitioner has challenged the impugned communication of the first respondent dated 12.11.2018 rejecting the application for recognizing the petitioner as the licensee of the shop which

was originally granted license in the name of late Selvaraj/ the father of the second and third respondents.

2.It is the specific case of the petitioner that the petitioner and his brother late Selvaraj had entered into a partnership arrangement and had signed a partnership deed on 09.09.2013 and that during his life time on 10.02.2018, the petitioner's brother viz late selvaraj/the father of the second and third respondents had given no objection certificate in favour of the petitioner.

3.In this connection, the petitioner has also filed a suit in O.S.No.64 of 2019 before the Additional District Munsif, Chidambaram for a bare injunction against the second and third respondents in the present writ petition. The petitioner had challenged the impugned communication of the first respondent. The private respondents/second and third respondents on the other hand filed a typed set wherein reveals on 07.02.2019, license has been granted infavour of the 2nd respondent/S.Manivel. The entire case of the petitioner is based on a partnership deed purportedly executed on 09.09.2013 between the petitioner and his brother late selvaraj/the father of the private respondents 2 and 3 herein. The document filed in respect of the partnership deed indicates that it was executed on 09.09.2013. However, it also bears a notary seal of Mr.Karthikeyan, Notary, Chidambaram, as if the document was executed on 10.2.2018. The father of the private respondents died on 05.03.2018. Thus, there is a element of doubt as to whether the document is genuine or not and no objection purportedly given by late Selvaraj/the father of the private respondents herein/brother of the petitioner herein on a stamp paper which is dated 10.02.2018, again was notarized by the same Notary. Since there is a doubt in the mind of this Court as to whether the document are genuine or not and since the license has been granted infavour of the 2nd respondent on 07.02.2019, there is no merits in the present petition. It is open to the petitioner to work out his remedy in the civil suit in O.S.No.64 of 2019 in accordance with law.

4.Accordingly, this writ petition is dismissed with the above observations. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-IV)

// True Copy //

Sub Assistant Registrar

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To

- 1.The Commissioner,
Chidambaram Municipality,
Chidambaram.
- 2.The Inspector of Police,
Chidambaram Town Police Station,
Cuddalore District.

+1cc to Mr.S.Sithirai Anandam, Advocate Sr.No.38723

+1cc to the Government Pleader Sr.No.39848

W.P.No.15234 of 2019
and
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EV(CO)
RVM(15/07/2022)