



Writ Petition Nos.28869 and 28872 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 7/12/2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Writ Petition Nos.28869 and 28872 of 2022
a n d
M.P.Nos.28161, 28164 and 28165 of 2022

Sri Satya Sai Recreation Society Yanam
rep. By its General Secretary
Lanka Venkanna Babu
Having its Office at
D.No.7.13.001, Ferry Road
Yanam 533 464
Pondicherry.

...

Petitioner in W.P.No.
28869 of 2022

Surya Society for Social Service
rep. By its Secretary
Dongala Sridhar
S/o. Bhaskara Ramarao
Having Office at
D.No.1.12.012 Mettakur Road
Yanam 533 464
Pondicherry.

...

Petitioner in W.P.No.
28165 of 2022

Vs



Writ Petition Nos.28869 and 28872 of 2022

1. Union of India
rep by its Secretary
Local Administration
Union Territory of Puducherry
Secretariat
Pondicherry.

2. The Commissioner
Yanam Municipality
Yanam.

... Respondents in both
the petitions

COMMON PRAYER : Petitions filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records leading to the second respondent dated 20/10/2022 in No.2174/B2/YM/2022-23/3 and quash the same and further direct the respondents and their subordinates from interfering with the day to day affairs and rights of the petitioners society including the playing of rummy (13 cards) and other recreational activities, without any reasonable cause or any illegality is committed at the premises at D.No.5-04-242/1, Dariyalathipa, Yanam, Puducherry and D.No.1-12-012/001, Mettacur Road, Yanam, Puducherry, respectively.

For Petitioners ... Mr.S.Prem Auxilion Raj
for Mr.D.Saravanan

For respondents ... Mr.R.Sreedhar
Additional Government Pleader
(Pondy)
for R.R.1 and 2

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COMMON ORDER

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These writ petitions have been filed to quash the order passed by the second respondent dated 20/10/2022 and further direct the respondents and their subordinates from interfering with the day to day affairs and rights of the petitioner's society including the playing of rummy (13 cards) and other recreational activities, without any reasonable cause or any illegality committed at the premises at D.No.5-04-242/1, Dariyalathipa, Yanam, Puducherry and D.No.1-12-012/001, Mettacur Road, Yanam, Puducherry respectively.

2. The petitioners are the Society registered under Societies Registration Act, vide, Registration Nos.74 and 73/2022. The main objects of the Societies are to undertake the activities for the welfare of the people in the surroundings, promoting games and sports amongst the members, promoting cultural activities and to provide entertainment and recreational activities by establishing auditorium, etc.

3. The main grievance of the petitioners is that prior to commencement of the club activities, the petitioners had applied for municipal trade license. The second respondent having received the same,



returned the applications stating that there is no provision for issuance of license under Puducherry Municipality Act. In response to the show cause notices issued, the petitioners had submitted replies on 3/10/2022, 6/10/2022 and 18/10/2022, respectively, to the second respondent. Without considering the same, the second respondent had issued the impugned final notices, dated 20/10/2022, calling upon the petitioners to stop the club activities. Being aggrieved, the petitioners have come forward with the present writ petition praying for the relief as stated therein.

4. Heard Mr.s.Prem Auxilian Raj, learned counsel for the petitioners and Mr.R.Sreedhar, Additional Government Pleader (Pondicherry) for the respondents.

5. Learned Additional Government Pleader (Puducherry) submitted that the petitioners have filed the applications, under Section 355 of the Puducherry Municipalities Act, 1973 and not under Section 349 of the Puducherry Municipalities Act, 1973. Even though the petitioners had filed their applications under Section 355 of the Puducherry Municipalities Act, 1973, they will treat the applications, as if it were filed under Section 349 of the said Act, and orders will be passed on merits and in accordance with law.



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6. Submission of the learned Additional Government Pleader is recorded.

7. Accordingly, the second respondent is directed to consider the applications of the petitioners, as mentioned above, and dispose of the same, on merits and in accordance with law, within a period of two months, from the date of receipt of a copy of this order.

8. With the above direction, these writ petitions are disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

7/12/2022

Index : Yes / No

Internet: Yes

Speaking/non speaking order

mvs.



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Writ Petition Nos.28869 and 28872 of 2022

N. SATHISH KUMAR, J

mvs.

To

1. The Secretary
Union of India
Local Administration
Union Territory of Puducherry
Secretariat
Pondicherry.
2. The Commissioner
Yanam Municipality
Yanam.

W.P.Nos.28869 and 28872 of 2022

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