



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.04.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.7086 of 2022

and

W.M.P.[MD]No.5375 of 2022

WEB COPY

Mohammed Mustafa

... Petitioner

/Vs./

1.The District Collector,
Ramanathapuram District.

2.The Tahsildar,
Ramanathapuram,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the entire records pertaining to the memo of rejection issued by the 2nd respondent in Na.Ka.A1/2044/2022 dated 09.03.2022 and quash the same and consequently direct him to issue public building license in Form -D to the petitioner's building located in D.No.63/1, Railway Feeder Road, Ramanathapuram Taluk and District so as to continue with the functioning of Kalyan Jewellers India (P) LTD.

For Petitioner : Mr.R.Anand

For Respondents : Mr.D.Sasikumar

Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned order dated 09.03.2022 passed by the second respondent rejecting the petitioner's application seeking for renewal of licence under the Tamil Nadu Public Buildings Licence Act, 1965. The petitioner has challenged the impugned order on the ground of violation of principles of natural justice and on the ground that it is a non-speaking order.

2.The petitioner has filed documents along with this writ petition including the sale deeds standing in his name to prove that he is the owner of the subject property.

3.This being the case, this Court is of the considered view that opportunity of hearing ought to have been granted by the respondents before passing the impugned order rejecting the petitioner's application. As seen from the impugned order, it is a



non-speaking order. No reasons have been given for rejecting the petitioner's application.

4. According to the petitioner, he has been periodically obtaining renewal ever since 2011 and a tenant in the name of Kalyan Jewellers India (P) Limited is in occupation of the subject property. None of these factors have been considered under the impugned order and no reasons have been given. Hence, the impugned order will have to be necessarily quashed and the matter has to be remanded back to the second respondent for fresh consideration.

5. For the foregoing reasons, the impugned order dated 09.03.2022 passed by the second respondent is hereby quashed and the matter is remanded back to the second respondent for fresh consideration and the second respondent shall pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner including granting him the right of personal hearing, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

sm

To

1. The District Collector,
Ramanathapuram District.

2. The Tahsildar,
Ramanathapuram,
Ramanathapuram District.

+1 CC to M/s.SPL.GP (SR-18966[F] dated 18/04/2022)

order made in

W.P. [MD]No.7086 of 2022

Dated:

13.04.2022

NSN (CO)

GC(11.05.2022) 2P 4C

<https://hcservices.ecourts.gov.in/hcservices/>