



W.P.(MD)No.20040 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.20040 of 2023 and
WMP(MD) No.16516 of 2023

Maria Geno

... Petitioner

Vs

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Sub Collector / Revenue,
Divisional Officer, Paramakudi Division,
Ramanathapuram District.

3.The Tahsildar,
Kamuthi Taluk,
Ramanathapuram District.

4.Maria Michale Parisuthan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorari to call for the records pertaining to the impugned order passed by the second



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Respondent in Moo.Mu.(A2) 5650/2023 dated 18.07.2023 and quash the same.

For Petitioner : Mr.K.Navaneetharaja
For R1 to R3 : Mrs.D.Farjana Ghoushia
Special Government Pleader
For R4 : Mr.A.Dinakaran

ORDER

The Revenue Divisional Officer by the order impugned in this writ petition dated 18.07.2023 has cancelled the order of extension of license, Dated 17.02.2023 pertaining to "Annai Sahayee Marriage Hall" that the said order has been obtained by suppressing certain facts.

2.The case of the petitioner is that "Annai Sahayee Marriage Hall" was constructed by the petitioner's father, one Savarimuthu and the licence was originally issued to Savarimuthu on 08.12.2020 for the period from 04.11.2019 to 03.11.2022. The said Savarimuthu died on 29.04.2021, leaving behind seven legal heirs, including the petitioner. The petitioner appears to have filed an application before the Tahsildar for extension of license under Tamil



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Nadu Public Building Licensing Act, 1965 that he is the only legal heir of the said Savarimuthu without referring to other legal heirs. The Tahsildar has passed an order of extension of license for a further period from 04.11.2022 to 03.11.2025, by order dated 17.02.2023. This order appears to have been challenged by the other legal heirs before the Revenue Divisional Officer, Paramakudi and the Revenue Divisional Officer has passed this order impugned that the earlier order of Tahsildar has been obtained without including the other legal heirs and ordered for cancellation of extension of license. The Revenue Divisional Officer has issued further direction to get extension of license by way of a joint application by all the legal heirs.

3. When this writ petition was listed for hearing today, the learned counsel appearing for the petitioner submits that based on the extension of license issued by the Tahsildar, he has booked the marriage hall for the marriage functions on 20.08.2023 and 21.08.2023. Considering the fact that the petitioner has booked the marriage hall on



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20.08.2023 and 21.08.2023, this Court by interim order dated 17.08.2023 permitted the parties to utilise the marriage hall, who has pre-booked for the functions on 20.08.2023, 21.08.2023 and 08.09.2023. It is now reported that the marriages scheduled on 20.08.2023, 21.08.2023 have been conducted peacefully. The petitioner requests this Court to grant permission to permit his parties to perform the marriage, which was already booked on 08.09.2023. The learned counsel undertakes to pay the collected amount for the marriage functions conducted on 20.08.2023, 21.08.2023 and 08.09.2023 to the loan account of the marriage hall.

4.Mrs.D.Farjana Ghoushia, learned Special Government Pleader appearing for the official respondents submits that the Revenue Divisional Officer has cancelled the license on the ground that the petitioner said to have obtained the extension of license by omitting the other legal heirs of his father, one Savarimuthu. Hence, there is no need to interfere with the order impugned in this writ petition.



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5.This Court considered the rival submissions made and

also perused the materials placed on record.

6.The petitioner has obtained the extension of license for the subject Marriage Hall as if he has been permitted to maintain the marriage hall, based on that the Tahsildar has passed the earlier order without verifying the facts. The Revenue Divisional Officer has passed the order impugned in this writ petition, setting aside the order passed by the Tahsildar on the ground that the order has been obtained fraudulently by the petitioner alone, without including the other legal heirs of the deceased Savarimuthu. It appears that the petitioner taking advantage of the orders of the Tahsildar wants to take the administration of the marriage hall, leaving the other legal heirs.

7.In view of the above, this Court is not inclined to interfere with the order impugned in this writ petition. Accordingly, this writ petition is dismissed. However, liberty is granted to this



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petitioner to submit a fresh application along with other legal heirs before the Tahsildar and in that event, the Tahsildar shall consider the application and pass orders within a period of two weeks from the date of receipt of a copy of this order. Considering the undertaking given by the petitioner's counsel, the petitioner is permitted to make use of the marriage hall on 08.09.2023 and the amount collected by him for the marriages conducted on 20.08.2023, 21.08.2023 and 08.09.2023 shall be deposited in the loan account of the Marriage Hall. No costs. Consequently, connected Miscellaneous Petition is closed.

30.08.2023

NCC : Yes / No.
Index : Yes / No.
Internet : Yes / No.
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B.PUGALENDHI, J.

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