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W.P.No.16794 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.16794 of 2021 and
WMP.Nos.17769 & 17772 of 2021

1.R.Ganthimathi
2.P.Rajaram

... Petitioners

Vs.

1.The Revenue Divisional Officer,
Thiruvallur,
Thiruvallur District
2.The Tahsildar,
Poonamallee Taluk Office,
Poonamallee,
Thiruvallur District
3.The Tahsildar,
Avadi Tahsildar Office,
Avadi, Chennai 600 054
4.Lakshmi Krishna Kumar

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the proceedings in Na.Ka.1313/2020/A3 dated .01.2021 (signed on 19.04.2021) issued by the first respondent, quash the same and consequently to direct the third respondent to renew the licence



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for the period 2021-2023 on the basis of the petitioner's application dated 13.03.2021 within the time to be stipulated by this Court.

For Petitioners : Mr.R.Bharath Kumar

For Respondents

For R1 to 3 : Mr.S.J.Mohammed Sathik,
Government Advocate

For R4 : Mrs.Dakshayani Reddy,
Senior Counsel
for Mrs.Rashmi Christy

ORDER

This writ petition has been filed challenging the order passed by the first respondent dated 19.04.2021 thereby issued direction not to renew the licence granted to the petitioners.

2. Heard, the learned counsel appearing on either side.

3. The petitioners are in possession and enjoyment of the property admeasuring 1458 sq.ft. comprised in survey No.69/5 of Paruthipattu Village, Nehru Bazaar, Avadi, Tiruvallur District. The petitioners were issued licence to carry on business of Pawn Broking in



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the said premises with effect from 04.07.1986 and subsequently renewed from time to time. While being so, the fourth respondent herein claimed ownership of the said shop and submitted representation not to renew the licence in respect of the petitioners. However, without conducting any enquiry, licence issued in favour of the petitioners was cancelled. Therefore, the petitioner was constrained to approach this Court in WP.No.2782 of 2015 and this Court set aside the said order and directed the second respondent to issue show cause notice to the petitioners and, after affording opportunity of personal hearing, to pass appropriate orders by order dated 05.02.2015. As directed by this Court, the second respondent conducted enquiry and renewed the licence to carry on the business of Pawn Broking in favour of the petitioners. Once again, the fourth respondent submitted representation before the Tamilnadu Electricity Board not to give electricity connection in favour of the petitioners. Therefore, the application submitted by the petitioners seeking electricity connection was rejected.

4. The petitioner challenged the same before this Court in WP.No.8633 of 2015. This Court by order dated 06.08.2015, directed the Electricity Board to consider the request made by the petitioners in



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accordance with law. Thereafter, the application submitted by the petitioners was considered and the petitioners were given electricity service connection. Once again, the fourth respondent filed suit for bare injunction in OS.No.398 of 2015 on the file of the District Munsif Court, Poonamallee in respect of the very same property. After full-fledged trial, the civil court dismissed the suit filed by the fourth respondent by the judgment and decree dated 18.01.2018. Aggrieved by the same, the fourth respondent also filed appeal suit in AS.No.37 of 2018 on the file of the Sub Court, Poonamallee. While pending the said suit, once again the fourth respondent submitted objections before the first respondent and the first respondent by the order impugned in this writ petition, cancelled the licence for the year 2018-2021 which was issued in favour of the petitioners. While pending the writ petition, the first respondent once again withdrew the order impugned in this writ petition by order dated 08.09.2021 and directed the second respondent to conduct fresh enquiry and to consider the request for licence to run the Pawn Broker shop. However, the second respondent once again rejected the renewal of licence and in fact, with the help of the police officials and the revenue officials, respondents 1 to 3 had taken over the possession of the subject



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property forcefully from the petitioners and handed over the key to the fourth respondent. As per the interim order passed by this Court dated 12.07.2022, the fourth respondent handed over the key in respect of the subject property to the third respondent. Further, by order dated 25.07.2022, the third respondent retains the key in respect of the subject property.

5. Though the order challenged in this writ petition has been withdrawn by the first respondent and the writ petition has become infructuous, the fourth respondent, with the help of the revenue officials and the police officials, cannot take possession of the subject property, though licence for running the Pawn Broker shop has been rejected by the second respondent in respect of the subject property. Admittedly, the suit filed by the fourth respondent for injunction in OS.No.398 of 2015 for injunction as against the petitioners was dismissed by the judgment and decree dated 18.01.2018. Aggrieved by the same, the fourth respondent filed appeal suit in AS.No.37 of 2018 and the same was also dismissed by the appellate court by order dated 11.08.2023. Instead of filing a suit for recovery of possession, the fourth respondent in a short cut method,



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approaching on various modes to evict the petitioners from the subject property by way of filing objections not to renew licence to conduct Pawn Broking business, not to provide electricity service connection and also filed suit for bare injunction. Unfortunately, the revenue officials as well as as the police officials also hand in glove with the fourth respondent and forcibly evicted the petitioners from the subject property. In view of the interim order passed by this Court, now the key of the subject property is under lock and key of the third respondent.

6. In view of the above, the petitioners are directed to approach the third respondent on 17.04.2024 and the third respondent is directed to hand over the key of the subject property to the petitioners forthwith.

7. With the above directions, this writ petition is disposed of. However, the fourth respondent is at liberty to proceed as against the petitioners in the manner known to law for appropriate relief before the appropriate forum. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

Internet: Yes

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(2/2)



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Index: Yes/No

Speaking/Non-speaking order
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Note: Issue order copy on 16.04.2024

To

- 1.The Revenue Divisional Officer,
Thiruvallur,
Thiruvallur District
- 2.The Tahsildar,
Poonamallee Taluk Office,
Poonamallee,
Thiruvallur District
- 3.The Tahsildar,
Avadi Tahsildar Office,
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G.K.ILANTHIRAIYAN, J.

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