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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.08.2024

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.22520 of 2024
and WMP.No.24534 of 2024

M/s.Hotel Rathna Residency,
No.355, Variety Hall Road,
Coimbatore,
Rep. By its Authorized Signatory,
Palaniappan.

... Petitioner

Vs.

1. The District Collector,
Coimbatore.

2. The Tahsildar,
Coimbatore South,
Gopalapuram, Coimbatore.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari to call for the records relating to the proceedings in Se.Mu.A.No.1461/2024/Aa1 dated 15.07.2024 on the file of the second respondent and quash the same.

For Petitioner : Mr.G.Rajagopalan, Sr.C.

For Abhinav Parthasarathy

For Respondents : Mr.U.Bharanidharan, AGP



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ORDER

This Writ Petition has been filed seeking to quash the proceedings in Se.Mu.A.No.1461/2024/Aa1 dated 15.07.2024 on the file of the second respondent.

2. It is the case of the petitioner that the petitioner runs a residential hotel, having an employee strength of 65 persons with an occupancy limit of 200 residents. The petitioner runs a very active business and is a statutory complaint organization. The petitioner has all the requisite approvals to run the hotel establishment including a conditional NOC from the fire department. The petitioner also has a license to run a bar on its premises. The petitioner also has a valid building permit existing till 2027. While so, the second respondent has passed the impugned order without giving any opportunity to the petitioner, thereby violating the principles of natural justice, apart from the same, the petitioner has also been served a show cause notice dated 26.07.2024 calling upon it to explain why its building should not be locked and sealed after issuing the order of lock and seal dated 15.07.2024. being aggrieved by the impugned order dated 15.07.2024, the petitioner is approaching this Court by way of filing the writ petition on the



ground that the impugned order was passed arbitrarily and without giving the petitioner an opportunity, to be heard. Hence, the present writ petition.

3. The learned counsel for the petitioner submitted that the impugned order has not taken into consideration that the petitioner has applied for renewal of fire certificate and the same is pending on the file of the government authorities. Therefore, the petitioner ought not to have been imposed with the burden of non-availability of NOC as on date. The same is unreasonable and arbitrary and the petitioner has performed its duty by submitting an application with all requisites. Without giving any opportunity to the petitioner, the second respondent has passed the present impugned order, which is unsustainable. This Court may remand the matter back to the authorities for fresh consideration.

4. The learned Additional Government Pleader submitted that based on the affidavit filed by the petitioner, building license was granted by the second respondent. However, the petitioner has not produced the fire certificate as stated in the affidavit. Hence, the second respondent has rightly passed an impugned order, which cannot be interfered with.



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5. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondent and perused the materials available on record.

6. The petitioner is running a hotel in Coimbatore Corporation and they had obtained an NOC from the Fire Department for all commercial buildings and multi-storied buildings. The petitioner has applied for renewal of fire license, the same was kept pending as there was no fire certificate from the fire service authorities. On 04.07.2024, the official from the first respondent locked and sealed the store room.

7. This Court perused the impugned order. On perusal of the same, this Court finds that without providing any opportunity to the petitioner, the present impugned order has been passed. On the sole ground, this court is inclined to set aside the same and remands the matter back to the second respondent for fresh consideration. The second respondent is directed to revisit the issue after providing opportunity to the petitioner and pass orders within a period of twelve weeks from the date of receipt of a copy of this



order.

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8. With the above observation, the writ petition is allowed. No costs.

Consequently, connected miscellaneous petition is closed.

05.08.2024

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To

1. The District Collector,
Coimbatore.

2. The Tahsildar,
Coimbatore South,
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M.DHANDAPANI,J.

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