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W.P.No.28338 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2024

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

W.P.No.28338 of 2024

S.Alamelu

... Petitioner

Vs.

1.The District Collector of Chennai,
Chennai Collectorate,
Singaravelar Malaigai, Chennai – 600 001.

2.The District Social Welfare Officer,
Tamilnadu Social Welfare Department,
Chennai District,
Chennai Collectorate,
Singaravelar Malaigai, Chennai – 600 001. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to Na.Ka.No.2687/A4/2022 dated 26.07.2024 passed by the second respondent and quash the same as illegal and consequential directing first and the second respondents to consider the petitioner's online and manual license applications dated 19.11.2023 & 19.06.2024 afresh.

For Petitioner : M/s.Manoj Sreevalsan

For Respondents : Mr.L.S.M.Hasan Fizal
Additional Government Pleader



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ORDER

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This Writ Petition has been filed seeking for a Writ of Certiorarified Mandamus, to call for the records pertaining to Na.Ka.No.2687/A4/2022 dated 26.07.2024 passed by the second respondent and quash the same as illegal and consequential directing first and the second respondents to consider the petitioner's online and manual license applications dated 19.11.2023 & 19.06.2024 afresh.

2. Mr.L.S.M.Hasan Fizal, learned Additional Government Pleader, accepts notice on behalf of the respondents. In view of the consent view expressed by the learned counsel for the parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The case of the petitioner is that, she entered tenancy with on e Late Mrs.Mohanambal with respect to three portions (one in first floor, one in second floor and one in third floor) situated at No.39/17, Kandan Street, Shenoy Nagar, Chennai – 600 030. In the said portion, she started to run a ladies hostel in the name and style of “S.A.Ladies Hostel”. Since differences arose in between the petitioner and the deceased landlord, the petitioner filed three suits in O.S.Nos.3371, 3372 and 3373 of 2020



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before the learned XIV Assistant City Civil Court, Chennai and the same were dismissed on 22.12.2023. Since there is an error apparent on the face of the record in dismissing the suit suits, the petitioner filed review petitions to review the dismissal order in S.R.Nos.39922, 39924 and 39926 of 2024 and the main number is yet to be given. In the meantime, one of the legal heirs of the said deceased landlord, namely S.Usharani has approached the 1st respondent by alleging that the petitioner is running the above ladies hostel without proper license. She had also filed a writ petition before this Court in W.P.No.2781 of 2024, wherein, by order dated 08.02.2024, this Court had directed the 1st respondent to issue notice to the petitioner as well as 4th respondent therein, obtain necessary inputs from respondents 2 and 3 therein, hear the petitioner as well as the 4th respondent therein and dispose of the representation dated 05.06.2023 and pass appropriate orders, within a period of 6 weeks. Thereafter, the petitioner applied for D-license on 15.03.2023 before the Revenue Divisional Officer, Central Chennai and the said application was neither considered nor rejected, instead it was kept in abeyance by the said RDO. Since there is no communication from the said RDO, she had applied for a license to the 1st respondent through online on 19.11.2024 and online applications CAF ID 137191 and CAF ID 153833 were allotted and was



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pending for consideration. In the meantime, pursuant to the order of this court in W.P.No.2781 of 2024, the petitioner received a summon dated 10.06.2024 from the 1st respondent for a personal hearing on 21.06.2024. On appearance, the petitioner had submitted a covering letter for D-License (deemed to be granted), wherein she had clearly stated that as per Section 7 of the Tamil Nadu Public Buildings (licensing) Act, the application for D-License should be decided within 3 months from the date of receipt of the application. Despite of the above submissions and ignoring the fact that the petitioner's license application was pending for consideration, by order dated 04.07.2024 passed in Se.Mu.Na.Ka.No.2687/A4/2022 by the 1st respondent, the petitioner was directed to stop running of the ladies hostel. Subsequently, the 2nd respondent, by impugned order dated 26.07.2024 in Na.Ka.No.2687/A4/2022 rejected the petitioner's license applications. Challenging the same, the present writ petition is filed.

4. Learned counsel appearing for the petitioner submitted that, no reasoning was given in the impugned order and a name sake and non-speaking order has been passed by the 2nd respondent. Further, he submitted that the 2nd respondent ought to have granted license to the



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petitioner in view of D-License being deemed to be granted as stipulated u/s 7 of the Tamil Nadu Public Buildings (licensing) Act, 1965 as she had satisfied all the other requirements for grant of license for running a ladies hostel. Accordingly, he prays for allowing the writ petition.

5. Learned Additional Government Pleader appearing for the respondents submitted that the petitioner entered tenancy with deceased Mohanambal, however out of difference of opinion, the petitioner had filed suits and the same was dismissed. Subsequently, the legal heirs of Mohanambal are not inclined to enter any lease agreement the petitioner, even thereafter, without any lease deed, the petitioner is running the hostel, which is not sustainable, thereby the petitioner was directed to close the hostel run by her, by rejecting the petitioner's license applications vide impugned order dated 26.07.2024, in which, the petitioner is not entitled to get license unless she resolves the dispute with the landlord in the manner known to law. Accordingly, he prays for dismissal of the writ petition.

6. Heard the learned counsel for the parties and perused the materials available on record.



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7. It is discernible from the records that, though the petitioner claims that she entered tenancy with the landlord deceased Mohanmbal, however, the tenancy of the petitioner was not recognized either by the deceased Mohanambal or her legal heirs. Hence, this court is of the view that the petitioner is not entitled to run the ladies hostel in the subject property. Therefore, the 2nd respondent has rightly rejected the petitioner's license applications vide impugned order, which cannot be said to be illegal, perverse or arbitrary and the same does not warrant any interference at the hands of this Court.

8. For the reasons aforesaid, this court finds no infirmity in the order impugned herein and, therefore, this writ petition fails and the same is dismissed. No costs.

18.10.2024

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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M.DHANDAPANI, J.

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