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W.P.No. 26615 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2024

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.26615 of 2024
and
W.M.P.Nos.29127 to 29129 of 2024

S.Kalvina Petitioner

Vs

1.The Assistant Director of Panchayats,
Dharmapuri District,
Dharmapuri.

2.The Executive Officer,
Kambainallur Grade I Town Panchayat,
Kambainallur,
Karimangalam Taluk, Dharmapurti District.

3. Vimalan Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, call for the records relating to the impugned order passed by the 2nd respondent in Na.Ka.No.26/2023/A, dated 29.06.2023 served on 03.07.2024 and to quash the same and consequently direct the 2nd respondent to restore the license in favour of the petitioner made in Moo.Moo.No.26/2023/A1 dated 03.04.2023.



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For Petitioner : Mr.C.Prabakaran
For R1 : Mr.V.Manoharan
Additional Government Pleader
For R2 : Mr.E.Sundaram
Government Advocate

ORDER

This Writ Petition has been filed challenging the order dated 29.06.2023 passed by the second respondent, thereby cancelled the license issued in favour of the petitioner.

2. Heard the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the first respondent, the learned Government Advocate appearing for the second respondent and perused the materials available on record.

3. Originally, the third respondent was issued with the license for the shop occupied by the petitioner at Shop No.7, Semmannahalli Road Common Fund Building. It was leased out to the third respondent by the second respondent. By the consent of the third respondent, the license of the shop was transferred in favour of the petitioner.



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Accordingly, the petitioner submitted an application to transfer the license in his favour. Subsequently, it was transferred in favour of the petitioner. However, the third respondent raised objections that without consent of the third respondent, the license was transferred in favour of the petitioner. Considering the said objection, the license was cancelled by an order dated 29.06.2023. Thereafter, eviction notice was issued to the petitioner and the same was challenged before this Court in W.P.No.5575 of 2024. This Court, by an order dated 03.07.2024, dismissed the writ petition with the following observations :-

“3. The Learned Government Advocate appearing for the first respondent has got instructions and submitted a letter dated 10.06.2024 issued by the Executive Officer of Kambainallur Municipality, wherein it is stated that the petitioner's husband, without the consent of the 3rd respondent, has given an application for name transfer by forging the signature of the 3rd respondent, hence the 3rd respondent has given a complaint against him in Kambainallur Police Station which was registered as CSR No.905/2023. It is further stated that, pursuant to the complaint, the 2nd respondent has cancelled the license issued in favour of the petitioner by order dated 29.06.2023. Thereafter, again the 3rd respondent has given a complaint against the



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petitioner on 22.01.2024 alleging that the petitioner had not vacated the shop. Hence, a notice was issued to the petitioner on 07.02.2024 to vacate the shop within three days. The petitioner refused to receive the notice. Hence, the notice was pasted on the shop shutter and thereafter, on 13.02.2024, the shop was vacated and the materials were kept in the community hall of the municipality in safe custody.

4. In view of the above orders, it is made clear that the petitioner had obtained the name transfer of the shop by furnishing the forged documents and therefore, this Court is not inclined to interfere with the order of the 2nd respondent made in Na.Ka.No.26/2024/A1 dated 07.02.2024. However, it is left open to th petitioner to challenge the above said order dated 1.06.2024 in the manner known to law.”

4. Since this Court had given an opportunity to challenge the order cancelling the license, the petitioner had filed this writ petition. As per the eviction notice, already the petitioner was evicted from the shop and therefore, no purpose would be served by entertaining the present writ petition.



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5. In view of the above, this writ petition stands dismissed.

Consequently, connected miscellaneous petitions are closed. No costs.

13.09.2024

Internet : Yes/No

Index: Yes/No

Neutral Citation : Yes/No

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To

1.The Assistant Director of Panchayats,
Dharmapuri District,
Dharmapuri.

2.The Executive Officer,
Kambainallur Grade I Town Panchayat,
Kambainallur,
Karimangalam Taluk, Dharmapurti District.



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