



W.P.No.28876 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2024

CORAM:

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

W.P.No.28876 of 2024
and W.M.P.No.31498 of 2024

M.Prideevirajan

... Petitioner

-Vs-

1. The Commissioner,
Commune Panchayat Office,
Ariyankuppam, Pondicherry 07.

2. D.Thangarasu

3. Kamalakumari

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the order in No 20-93-/ACP/2024/Rev/1027 dated 09.09.2024 passed by the first respondent and quash the same as illegal and direct the first Respondent to renew or issue fresh license in the name of the petitioner.

For Petitioner	: Mr.K.Sasindran
For R1	: Mr.Ramasamy Meyappan Government Advocate (Pondy)

ORDER

This writ petition has been filed challenging the order passed by the first respondent dated 09.09.2024, thereby suspended the trade license for marriage hall.



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2. Heard and perused the materials available on record.

3. The petitioner is running a marriage hall in the name and style of “R.Meenakshi Sivapakkiam Mahal” at No.189, Cuddalore Main Road, Thavalakuppam, Puducherry – 605 007. The said marriage hall was leased out in favour of the petitioner by the lease deed dated 30.01.2019 which was executed by the husband of the third respondent. Originally, the husband of the third respondent constructed a marriage hall and obtained license to run a marriage hall under the provision of Pondicherry Village and Commune Panchayat Act, 1973 with effect from 15.12.2014. Thereafter, he could not able to maintain the marriage hall and handed over the marriage hall to the petitioner for lease. Accordingly, a lease deed was executed between them on 30.01.2019 for a period of five years. Thereafter, trade license was renewed periodically and the same was renewed till 30.03.2024 in the name of the husband of the third respondent. The petitioner also paid the requisite fees in the name of the husband of the third respondent for the marriage hall.

4. While being so, the husband of the third respondent, who had



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originally executed a lease agreement in favour of the petitioner, died on 21.10.2022 leaving behind the third respondent as his legal heir. Thereafter, the third respondent requested the petitioner to vacate the marriage hall. However, the petitioner requested to return the amount which was already advanced to the husband of the third respondent. However, the third respondent did not return the said amount on the one hand and on the other hand, she had taken steps to vacate the petitioner from the marriage hall.

5. Therefore, the petitioner filed a suit in O.S.No.1543 of 2023, on the file of the learned II Additional District Munsif, Pondicherry for injunction restraining the second and third respondents herein from interfering with the peaceful possession and enjoyment of the marriage hall. The petitioner also submitted an application for renewal of license on 23.01.2024 and once again on 02.04.2024. However, it was not considered and the license was not renewed for the marriage hall. Therefore, the petitioner filed a writ petition before this Court in W.P.No.16044 of 2024 for direction and this Court directed the authority concerned to consider the application submitted by the petitioner, after hearing the counter parties. After giving an opportunity of hearing to the petitioner and the counter parties, the first respondent rejected the representation submitted by the petitioner and suspended the trade license of the



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marriage hall till the outcome of the suit in O.S.No.1543 of 2023, on the file of the learned II Additional District Munsif, Pondicherry.

6. After the demise of the husband of the third respondent, the third respondent sold out the marriage hall in favour of the second respondent. The second respondent also simultaneously filed an application for transfer of change of name of the marriage hall and also for renewal of trade license. The third respondent had no objection for change of the marriage hall as “Mayor Dharmalingam Mahal” and also for renewal of trade license. However, due to pendency of the suit between the petitioner and the respondents 2 and 3 herein, it was not considered and also suspended the license of the marriage hall till the disposal of the suit.

7. Admittedly, the lease agreement executed in favour of the petitioner is not extended and the lease period was expired as early as on 31.03.2024. In fact, the license holder viz., the husband of the third respondent died on 21.10.2022 itself. It was not informed to the authority and the petitioner was running a marriage hall in the license stands in the name of the deceased. It is not permissible under law.



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8. In view of the above, this Court finds no infirmity or illegality in the order passed by the first respondent and the writ petition is devoid of merits and is liable to be dismissed. Accordingly, this writ petition stands dismissed. Consequently, connected Miscellaneous petition is closed. No costs.

27.09.2024

Internet: Yes
Index : Yes/No
Neutral Citation: Yes/No
Speaking/Non Speaking order
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G.K.ILANTHIRAIYAN. J.

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To

The Commissioner,
Commune Panchayat Office,
Ariyankuppam, Pondicherry 07.

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