



W.P.No.32482 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

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and

W.M.P.Nos.35279 & 35280 of 2024

Sri Siva Lodge,
Represented by its owner,
M.Venkatesh Babu S/o.Muthusamy
No.66A, Sathiram Street,
Udumalpet Town,
Tiruppur District.

... Petitioner

Vs.

1.The Commissioner,
Udumalaipettai Municipality,
Tiruppur District.

2.The Tasildhar,
Udumalaipettai,
Tiruppur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the records, relating to the impugned order in Na.Ka.2989/2024/aa4 dated 22.05.2024 passed by the 2nd respondent, quash the same consequently permit the petitioner to run lodge in the premises situated at Door No.66,



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66A, Dhali Road, Door No.306, 307, 308, Kavirayar Santhu, Door No.1, 1A, 1B, Udumalpet Town & Taluk, Tiruppur District.

For Petitioner : Mr.E.Sathiyaraj

For Respondents : Mr.U.Baranidharan
Additional Government Pleader

ORDER

This Writ Petition has been filed by the petitioner seeking for a Writ of Certiorarified Mandamus, to call for the records, relating to the impugned order in Na.Ka.2989/2024/aa4 dated 22.05.2024 passed by the 2nd respondent, quash the same consequently permit the petitioner to run lodge in the premises situated at Door No.66, 66A, Dhali Road, Door No.306, 307, 308, Kavirayar Santhu, Door No.1, 1A, 1B, Udumalpet Town & Taluk, Tiruppur District.

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



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3. The case of the petitioner is that, he is running a lodge in the name and style of Sri Siva Lodge in the above said address and the 2nd respondent issued a License No.14/2012 dated 18.04.2012 for running the said lodge. The said building was being assessed to property tax and regularly paying other charges to the respondents and other concerned authority. Further, the 1st respondent issued a License No.157/2024/011/000096 dated 22.02.2024 for running a lodge in the name of Shri Siva Lodge. While so, the 2nd respondent issued an impugned order in Na.Ka.2989/2024/aa4 dated 22.05.2024 to lock and seal the lodge for the reason that an FIR in Crime No.19 of 2024 was registered by All Women Police Station, Udumalpet and the Lodge Manager is also one of the accused in the said crime, therefore he was arrested. Challenging the same, the petitioner have filed this writ petition before this court.

4. Learned counsel for the petitioner submitted that, the main ground on which the building was sealed is that the petitioner not obtained any licence from the authority, however, in the present case, the petitioner obtained licence u/s Section 249 of the District Municipality



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Act from the Udumalpet Municipality. If the person obtained a licence under the District Municipality Act, there is no need for obtaining licence under the Tamil Nadu Building Rules. The Tamil Building Rules is applicable to only Panchayat and not to the Municipalities. Thereby, the impugned order passed by the 2nd respondent is not sustainable. Hence, he submitted that this court may remand the matter to the 2nd respondent to consider the same as fresh and the 2nd respondent may be directed to pass appropriate orders.

5. On the above said contentions, heard the learned Additional Government Pleader appearing for the respondents.

6. Admittedly, the petitioner is running a lodge in the name and style of Sri Siva Lodge in the above said address after obtaining necessary licence from the concerned authorities. The 2nd respondent passed the impugned order to lock and seal the lodge on the ground that an FIR in Crime No.19 of 2024 was registered, in which, the Manager of the lodge is one of the accused. A perusal of the impugned order dated 22.05.2024 reveals that, the main ground on which the building was



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sealed is that the petitioner not obtained any licence from the authority.

However, it is claimed by the petitioner that he has obtained licence u/s Section 249 of the District Municipality Act from the Udumalpet Municipality. It is pertinent to note that, if the person obtained a licence under the District Municipality Act, there is no need for obtaining licence under the Tamil Nadu Building Rules and the said Rules is applicable only to Panchayat and not to the Municipalities. Therefore, this court is of the view that the impugned order passed by the 2nd respondent is liable to be set aside.

7. In view of the above, the impugned order passed by the 2nd respondent dated 22.05.2024 is set aside and the matter is remanded to the 2nd respondent for fresh consideration. While re-considering the same, the 2nd respondent is directed to pass appropriate orders for desealing the lodge, within a period of four (4) weeks from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to the petitioner and aggrieved persons, if any.



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M.DHANDAPANI, J.

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8. With the above observations and directions, this writ petition is allowed. No costs. Consequently, the connected miscellaneous petitions are closed.

30.10.2024

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes/No
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To

1.The Commissioner,
Udumalaipettai Municipality,
Tiruppur District.

2.The Tasildhar,
Udumalaipettai,
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