



W.P.(MD)No.25463 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.11.2024**

CORAM:

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

W.P.(MD)No.25463 of 2024

M.Alagar

... Petitioner

/Vs./

1.The District Fire Officer,
Fire and Rescue Department,
Collectorate Campus,
Madurai District,
Madurai.

2.The Station Fire Officer,
Periyar Fire Station,
Periyar Bus Stand,
Madurai City,
Madurai District.

3.A.Madurai Veeran

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order made in O.Mu.No.11925/E/ 2024, dated 09.10.2024 on the file of the 1st respondent and to quash the same as arbitrary and illegal and consequently direct the 1st respondent to renew



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the license of M/s. Sri VMM Mahal situated at No.86, TPK Main Road, Palanganatham, Madurai 625 003 within a stipulated period of time to be fixed by this Court.

For Petitioner : Mr.M.Thirunavukkarasu
For Respondents : Mr.D.Gandhiraj (R1 & R2)
Special Government Pleader
Mr.P.Palani (R3)

ORDER

This writ petition has been filed challenging the order passed by the first respondent dated 09.10.2024, thereby rejected the request made by the petitioner for renewal of his marriage hall licence on the ground that the subject property does not stand in the name of the petitioner and in front of the marriage hall there are temporary shops.

2. Heard the learned counsel on either side and perused the materials placed before this Court.

3. The property comprised in S.No. 411 / 3B, 411 /4C Now, TS No.186/1, 186/2, along with other properties were originally allotted in



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favour of the petitioner's father by the registered partition deed dated 31.03.1976. From the date of partition, the petitioner was in possession and enjoyment of the subject property. The petitioner's father had two other brothers by named Mari Gounder and Arumuga Gounder. After partition, the petitioner's father obtained planning permission to construct a marriage hall and obtained licence. After construction, his father was running a marriage hall. The third respondent is none other than the father of the petitioner's brother's son. His father was also allotted another schedule of property. Now, the third respondent is also claiming a portion of the property in the marriage hall owned by the petitioner's father and raised objections.

4. Infact, already the third respondent's father and his family members filed a suit in OS No. 779 of 2022 for bare injunction in respect of the subject property on the file of the Principal District Court, Madurai and the same was dismissed, which was also confirmed in AS No.61 of 2005 on the file of the III Additional Sub Court, Madurai. After having been failed, the third respondent filed a suit in OS No. 776 of 2016 on the file of the II Additional Sub Court, Madurai for the relief of



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declaration, mandatory injunction, recovery of possession and permanent injunction in respect of the very same property and it is pending.

5. That apart, the third respondent is also running a marriage hall in the adjacent property and the suit is pending without any interim order. Therefore, there is absolutely no impediment for the fire service department to issue no objection certificate and also issue licence to run the marriage hall.

6. The learned Additional Government Pleader appearing for the respondents 1 and 2 submitted that there is a civil dispute between the petitioner and the third respondent. Moreover, no document stands in the name of the petitioner for issuance of licence in respect of the marriage hall.

7. The learned counsel appearing for the third respondent submitted that the third respondent filed a counter stating that the subject property was not at all allotted in favour of the petitioner's father. A perusal of the partition deed dated 31.03.1976, 'A' schedule property was



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allotted in favour of the petitioner's father. A schedule property comprised in S.No. 410 /3A1 for 411/1A were allotted under A schedule property. However, the marriage hall was constructed in the land comprised in S.No.411 / 3B and 411 / 4C now TS No. 186/1 and 186/2 situated at Netaji Road, Madurai. Therefore, he filed a suit for declaration and it is pending. Even from the date of partition in favour of the third respondent, he is agitating the matter before all the authorities. On the objections raised by the third respondent, the first respondent conducted an enquiry and also field inspection.

8. After perusal of the revenue records, it revealed that the subject property comprised in 411/4C was not allotted in favour of the petitioner's father and also the property in which the marriage hall was constructed, does not stand in the name of the petitioner or his father. That apart, in this regard, the third respondent filed a suit for declaration and other reliefs in OS No. 776 of 2016 on the file of the II Additional Sub Court, Madurai and it is pending for adjudication. Further, there are temporary shops made up of iron sheets in front of the marriage hall. In this regard also, cases are pending. Therefore, the petitioner failed to



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fulfill the essential requirements for issuance of licence to run the marriage hall. Hence, the request made by the petitioner for issuance of licence was rightly rejected by the first respondent. This Court finds no infirmity or illegality in the order passed by the first respondent and this writ petition is dismissed. However, the petitioner is at liberty to apply afresh after fulfilling all the conditions. Any of the observations made by the Court in this order may not be influenced by the trial court. The trial Court shall dispose of the suit filed by the third respondent as expeditiously as possible. No costs.

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Index : Yes / No
NCC : Yes / No
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G.K.ILANTHIRAIYAN, J.

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