



W.P.(MD)No.25826 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.10.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.(MD)No.25826 of 2024

and

W.M.P.(MD)No.21913 & 21915 of 2024

Ayisha Farveen

... Petitioner

/Vs./

The Tahsildar,
Kumbakonam Taluk Office,
Kumbakonam,
Thanjavur District.

... Respondent

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 passed by the respondent vide Na.Ka. No. 5581/2024/A2 dated 18.10.2024 and quash the same and consequently directing the respondent to remove the lock and seal put on the premises of the Rafiees Lodging Hotel situated at the building in Survey No. 978/4 and 977/9 situated at No. 3, Mothilal Street, Arignar



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Anna New Bus Stand, Kumbakonam within the time stipulated by this Court.

For Petitioner : Mr.B.Jameel Arasu
For Respondent : Mr.D.Gandhiraj
Special Government Pleader

ORDER

This writ petition has been filed challenging the impugned order of lock and seal dated 18.10.2022 passed by the respondent.

2. Heard Mr.B.Jameel Arasu, learned counsel appearing for the petitioner, and Mr.D.Gandhiraj, learned Special Government Pleader appearing for the respondent.

3. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.



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4. The petitioner is running a lodging house in S.Nos. 978/4 and 977/9 situated at No. 3, Mothilal Street, Arignar Anna New Bus Stand, Kumbakonam. The respondent, under the impugned lock and seal order dated 18.10.2024 has sealed the premises of the petitioner, since the petitioner, without obtaining Form-D licence is running a lodging house.

5. The petitioner had earlier approached this Court by filing a writ petition in WP(MD)No.23714 of 2024 seeking for a direction to the respondents to consider the petitioner's application seeking for issuance of Form-D licence. By order dated 04.10.2024, passed in WP(MD)No. 23714 of 2024, which was filed by the very same petitioner, a direction was issued by this Court to the respondents to consider the petitioner's application dated 23.09.2024 seeking for issuance of Form-D licence, within a period of twelve weeks from the date of receipt of a copy of the order.

6. However, according to the petitioner, arbitrarily by total non-application of mind to the order dated 04.10.2024 passed in WP(MD)No. 23714 of 2024, the respondent has passed the impugned lock and seal



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order by observing that the earlier writ petition filed by the petitioner has been dismissed, whereas the same was disposed of by issuing directions to the respondents to consider the petitioner's application seeking for issuance of Form-D licence.

7. This Court has also perused and examined the order dated 04.10.2024 passed by this Court in WP(MD)No.23714 of 2024 and as seen from the same, the writ petition filed by the petitioner was not dismissed, but was only disposed of by directing the respondents to consider the petitioner's application seeking for issuance of Form-D licence, within a time frame fixed by the Court in the said order. However, by total non application of mind, the respondent has observed in the impugned lock and seal order that the earlier writ petition filed by the petitioner has been dismissed.

8. The petitioner also claims that he submitted an explanation on 02.10.2024 itself. But without considering the same, the respondent has passed the impugned lock and seal order. Now, the petitioner is willing to cooperate with the respondent once again to enable the respondent to



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consider the petitioner's application seeking for issuance of Form-D licence afresh, after giving due consideration to the explanation submitted by the petitioner as well as by affording one personal hearing to the petitioner. The learned counsel appearing for the petitioner also submits on instructions that till final orders are passed on remand, the petitioner undertakes that she shall not run the lodging house.

9. For the foregoing reasons, in view of the fact that by total non application of mind to the order dated 04.10.2024 passed by this Court in WP(MD)No.23714 of 2024, the impugned lock and seal order has been passed, the impugned lock and seal order dated 18.10.2024 is hereby quashed and the respondent is directed to pass final orders on the petitioner's application seeking for issuance of Form-D licence in respect of his lodging house namely, Rafiees Lodging Hotel situated in Survey No. 978/4 and 977/9 at No. 3, Mothilal Street, Arignar Anna New Bus Stand, Kumbakonam, after giving due consideration to the explanation submitted by the petitioner dated 02.10.2024 and after affording one personal hearing to the petitioner and pass final orders within a period of six weeks from the date of receipt of a copy of this order. The petitioner



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shall not use the building in Survey No. 978/4 and 977/9 at No. 3, Mothilal Street, Arignar Anna New Bus Stand, Kumbakonam for lodging purpose, till final orders are passed. No costs. Consequently, connected miscellaneous petitions are closed.

28.10.2024

Index : Yes / No
NCC : Yes / No
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TO:-

The Tahsildar,
Kumbakonam Taluk Office,
Kumbakonam,
Thanjavur District.



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ABDUL QUDDHOSE, J.

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Order made in
W.P.(MD)No.25826 of 2024

Dated:
28.10.2024