



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-07-2025

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CORAM

THE HONOURABLE MRS.JUSTICE N. MALA

WP No. 7604 of 2025 & WMP.No.8530/2025

1. D.Tangaradjou
S/o.Dharmalingm, No.55, Cuddalore
Main Road, Thavalakappam,
Pooranangkuppam Post, Pondicherry-
605 007.

Petitioner(s)

Vs

1. The Commissioner
Commune Panchayat Office,
Ariyankuppam, Pondicherry 605 007.

2.M.Prideevirajan
S/o. Manavalan, No.308, Bharatidasan
Street, Abishegapakkam Road,
Thavalakuppam, Puducherry- 605
007.

3.J.Kamalakumari
W/o. Jayabalan, No.526, Gandhi
Street, Pondicherry- 605 001.

Respondent(s)

PRAYER

Writ petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus calling for the records pertaining to the order No. 20-93/ ACP / 2024 /REV/ 1027 dated 09.09.2024 passed by the 1st respondent and quash the same in so far as the petitioners case is concerned and consequently direct the 1st respondent to renew the Trade license No.1120210007 of the Marriage hall M/s. R.Meenakshi Sivapakkiam Mahal in the name of the petitioner as applied for in his representation dated 05.07.2024 and pass.



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For Petitioner(s): Mr.V.Chandrasekaran, For
Mr.K.Prem Anand

For Respondent(s): Mr.M.Nirmal Kumar, GA For R1
Mr.K.Sasindran, For R2
Mr.P.Naveen Prasad For R3

ORDER

(1) The present writ petition is filed by the petitioner seeking to quash the order dated 09.09.2024 passed by the 1st respondent insofar as the petitioner case is concerned and to direct the 1st respondent to renew the Trade License No.11202100007 of the Marriage Hall, namely, M/s.Meenakshi Sivapakkiam Mahal, in the name of the petitioner by considering his representation dated 05.07.2024.

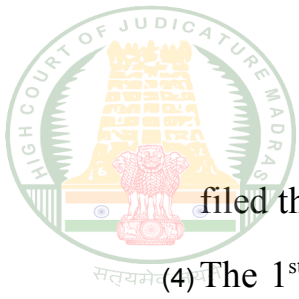
(2) The case of the petitioner is that he is the absolute owner of the Marriage Hall by name M/s.Meenakshi Sivapakkiam Mahal. The petitioner purchased the Marriage Hall at RS.No.48/22 and 48/37, Patta No.133[N], Plot No.189, Cuddalore Main Road, Thavalakuppam Revenue Village, Ariyankuppam Commune Panchayat, Puducherry under a registered Sale Deed dated 17.10.2023. The said Marriage Hall originally belonged to one Mr.Jayabalan, husband of the 3rd respondent herein. During the lifetime of the 3rd respondent's husband, the Trade License was issued to him and he was running the Marriage Hall peacefully and in full possession and enjoyment of the same. As the 3rd respondent's husband died issueless, the 3rd respondent sold the Marriage Hall to the petitioner herein.



(3) In pursuance of the sale, the revenue records, EB connection and Municipal Tax Assessment were also changed in the name of the petitioner herein.

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While so, the petitioner submitted applications for renewal of the Trade License on 08.01.2024 and on 05.07.2024, as the Trade License issued to the petitioner's vendor's [3rd respondent] husband, expired on 31.03.2024. To the shock and dismay of the petitioner, the 2nd respondent herein, who had no right or title to the said Marriage Hall, also applied for renewal of Trade License for the petitioner's Marriage Hall vide application dated 08.04.2024. The petitioner also came to know that the 2nd respondent filed a writ petition in WP.No.16044/2024 for a mandamus to dispose of his representation and this Court, in the said writ petition, vide order dated 21.06.2024, directed the 1st respondent herein to dispose of the applications of the petitioner as well as the 2nd respondent in the manner known to law. Thereafter, the 1st respondent conducted an enquiry in which, the 3rd respondent herein, the vendor of the petitioner, gave consent for renewal of the said Trade License in favour of the petitioner. While so, the petitioner was under the impression that in view of the no objection of the vendor, the 1st respondent would renew the License in his favour, but, to his dismay, the 1st respondent, vide the impugned order dated 09.09.2024, suspended the License of the Marriage Hall till the disposal of the suit in OS.No.1543/2023 filed by the 2nd respondent herein. Aggrieved by the impugned order of the 1st respondent, the petitioner has



filed the above writ petition for the aforesaid prayer.

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(4) The 1st respondent filed a counter affidavit admitting that the petitioner was entitled to the renewal of Trade License. However, the 1st respondent stated that since a civil suit was pending, a direction was issued to suspend the Trade License till the disposal of the same. The 1st respondent, in the counter, further stated that the writ petition filed by the 2nd respondent in WP.No.28876/2024 against the impugned order was dismissed by this Court and therefore, in the absence of a rival claim for renewal of License, the 1st respondent had no objection to renew the Trade License in favour of the petitioner.

(5) The 2nd respondent filed the counter affidavit stating *inter alia*, that the petitioner had suppressed the fact that he was in possession of the Marriage hall under a Lease Agreement of the year 2018 executed by the 3rd respondent's husband late Mr.Jayabalan, in his favour. The 2nd respondent further submitted that there was a civil dispute pending between the 3rd respondent and himself and that the 3rd respondent, with a view to illegally evict the legal heirs and deprive the respondent of the amounts advanced by him to her husband for construction of the Marriage Hall, executed the Sale Deed in favour of the petitioner. The 2nd respondent submitted that the 3rd respondent's husband expressed his inability to maintain the Marriage Hall and executed a Lease Deed on 30.06.2019 in his favour for a period of five



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years, for a consideration of Rs.75 lakhs. The 2nd respondent further

submitted that the original license which stood in the name of late Jayabalan, was periodically renewed by him. The 2nd respondent also stated that the writ petition was liable to be dismissed as not maintainable in view of the pendency of the civil suit in OS.No.1543/2023. The 2nd respondent therefore prayed for a direction to the petitioner to approach the civil Court for redressal of his grievance. For all the aforesaid reasons, the 2nd respondent prayed for dismissal of the writ petition.

(6) The 3rd respondent filed a counter affidavit stating *inter alia* that the 2nd respondent is her husband's nephew and that her husband had appointed the 2nd respondent as the Manager only to manage and maintain the Marriage Hall. The 3rd respondent submitted that in betrayal of the trust reposed on him as a relative, the 2nd respondent had committed several acts of fraud and so she was forced to forbid him from managing the business. The 3rd respondent submitted that to wreck vengeance on her, the 2nd respondent fabricated the Lease Agreement dated 31.01.2019, by forging her husband's signature. The 3rd respondent therefore, submitted that she had no objection for renewal of the Trade License in favour of the petitioner. The 3rd respondent therefore prayed that the writ petition may be allowed.

(7) Learned counsel for the petitioner submitted that the 1st respondent directed the suspension of the Trade License citing the pendency of the suit in



OS.No.1543/2023, overlooking the fact that the said suit was filed for relief of bare injunction against the petitioner and the 3rd respondent herein.

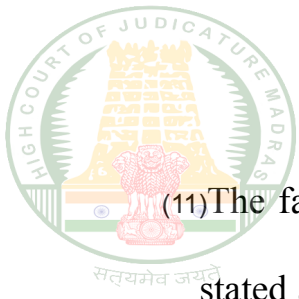
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Learned counsel submitted that the 1st respondent failed to note that the alleged Lease in favour of the 2nd respondent expired as early as on 31.03.2024. The learned counsel further submitted that considering the nature of the suit, the 1st respondent ought to have appreciated that its pendency had no relevance to the renewal of license in his favour. The learned counsel further submitted that the 3rd respondent having questioned the validity of the lease, in favour of the 2nd respondent, the 1st respondent ought not to have suspended the Trade License. The learned counsel for the petitioner therefore prayed that the writ petition may be allowed.

(8) The learned Government Advocate appearing for the 1st respondent placing reliance on the counter filed by the 1st respondent, submitted that as there was no other rival claim for renewal of Trade License in favour of the petitioner, the 1st respondent had no objection to renew the license in favour of the petitioner herein.

(9) The learned counsel for the 2nd respondent submitted that in the guise of renewal of license, the petitioner was trying to interfere with the possession of the 2nd respondent and therefore, the 1st respondent had rightly suspended the license till the disposal of the suit.

(10) Heard all the learned counsels and perused the materials placed on record.



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(11) The facts are undisputed and therefore, to avoid prolixity, the facts already stated above are not reiterated. The issue is whether the petitioner is entitled to the renewal of license in his favour in pursuance of his applications for renewal of license dated 08.01.2024 and 05.07.2024.

(12) Admittedly, the petitioner purchased the subject Marriage Hall from the 3rd respondent under a registered Sale Deed dated 17.10.2023. The Marriage Hall was originally conducted by the 3rd respondent's husband, on the strength of the License issued by the 1st respondent. When the license expired, the petitioner as the present owner of the property, applied for renewal of License. The 2nd respondent on the basis of the disputed Lease Deed, challenged the very same impugned order in WP.No.28876/2024, and the same was dismissed by this Court on 27.09.2024. This Court in paragraphs No.7 and 8 held as follows:-

"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 3rd respondent died on 21.10.22 itself. It was 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.

8. In view of the above, this Court finds no infirmity or illegality in the order passed by the 1st respondent and the



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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."

(13) Perhaps in acknowledgement of the aforesaid order passed by this Court, the

1st respondent has now come forward to renew the license in favour of the petitioner. In view of the above facts, I am of the considered opinion that the impugned order cannot be sustained.

(14) The apprehension of the 2nd respondent that, in the guise of renewal of Trade License, the petitioner would dispossess him from the subject premises, is baseless because the 2nd respondent has already approached the Civil Court in OS.No.1543/2023, for bare injunction and therefore, it is for him to seek whatever protection he requires from the Civil Court. Hence, in my view, the renewal of license has no nexus to the suit filed by the 2nd respondent for bare injunction.

(15) For all the above reasons, I find merit in the writ petition.

(16) Accordingly, the writ petition is **allowed**. The order of the 1st respondent dated 09.09.2024 is **quashed**. **In view of the categorical stand of the 1st respondent in the counter affidavit that he has no objections or impediment in renewing the license in favour of the petitioner, a positive directions is issued to the 1st respondent to renew the license for the Marriage Hall in favour of the petitioner, on the basis of the petitioner's**



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applications dated 08.01.2024 and 05.07.2024, within a period of four weeks from the date of receipt of a copy of this order. In any event, it is

clarified that the Trial Court shall decide the suit in OS.No.1543/2023, without being influenced by the observations made by this Court in this order. No costs. Consequently, connected miscellaneous petition is closed.

02-07-2025

AP

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

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Commune Panchayat Office,
Ariyankuppam, Pondicherry 605 007.

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N.MALA J.

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