



W.P.No.3995 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :09.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.3995 of 2018
and W.M.P.No.4914 of 2018

V.Syed Abdul Kareem

...Petitioner

-Vs-

The Commissioner,
Karaikal Municipality,
Karaikal.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Certiorarified Mandamus to call for the impugned order of lock and seal dated 31.01.2018 bearing Ref. Nil passed by the respondent and quash the same and consequently direct the respondent to renew the license issued to the petitioner for his hotel M/s.Food Feast Hotel at No.27, M.S.A.Colony, Bharathiar Road, Karaikal for the year 2018 to 2019.



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For Petitioner : Mr.R.Saravanan

For Respondent : M/s.Usha
Additional Government Pleader
(Puducherry)

ORDER

This writ petition has been filed seeking to call for the impugned order of lock and seal dated 31.01.2018 bearing Ref. Nil passed by the respondent and quash the same and consequently direct the respondent to renew the license issued to the petitioner for his hotel M/s.Food Feast Hotel at No.27, M.S.A.Colony, Bharathiar Road, Karaikal for the year 2018 to 2019.

2. Learned counsel appearing for the petitioner submits that The Petitioner is challenging the impugned lock and seal order dated 31.01.2018 by the Respondent, which resulted in the closure of the Petitioner's licensed hotel business, M/s. Food Feast Hotel, located at No.27, M.S.A. Colony, Bharathiar Road, Karaikal.

3.Learned counsel for the petitioner further submits that the Petitioner had obtained valid licenses for operating the hotel business for over seven



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years. The hotel at the said location was operated by the Petitioner's son and his registered partner, Mr. S. Ganesh Kumar. Due to sentimental reasons, the hotel also displayed the name Al Madeena, which was later removed after notice from the Respondent on 22.01.2018.

4.Despite submission of all relevant documents to the Respondent, including the partnership deed, rental agreement, and licenses, the premises were locked and sealed on 31.01.2018 without any notice, enquiry, or legal procedure. Perishable items worth Rs.15,000/- were left inside.

5.The Petitioner asserts that the Respondent acted without authority or jurisdiction, especially since the premises is privately owned and leased. The hotel has been run hygienically, without any violations, with regular license renewals. The abrupt closure has also financially impacted Mr. Ganesh Kumar, who had invested in the business and taken a loan. Hence, the Petitioner prays for quashing the impugned lock and seal order and seeks restoration of the hotel business. Hence the writ petition.



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6.Learned Additional Government Pleader appearing for the respondent submits that the license which was issued to the petitioner got expired on 31.03.2018 and in view of the interim order passed by this Court on 26.02.2018, the petitioner was running the hotel business for the last 8 years. She further submitted that the petition, to vacate the interim order was also filed in the year 2000, after which it was not listed for hearing before this Court.

7.In the counter affidavit filed by the respondent dated 11.04.2018 it is stated in Paragraph Nos. 9 & 10 as follows:

9. I most respectfully submit that pursuant to the order of this Hon'ble Court dated 26.02.2018 made in W.M.P.No.5239 of 2018 in W.P.no.3995 of 2018 and strict compliance the seals placed on the premises were removed on 01.03.2018 in the presence of the revenue and the municipal officials. The occupier Mr.S.Ganesh Kumar took possession of the premises after the renewal of the seals and acknowledged that the premises was handed over in good condition with all articles.



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10. I state that all perishable goods have been removed from the premises. I further state that after the removal of the seal the business is being carried on by Mr. Ganesh Kumar in the absence of a valid license. It is relevant to submit that the license was issued only in the name of the petitioner as proprietor of "Food Feast Hotel". Now admittedly the business is carried out by a partnership in which the original license is not a partner. It is also admitted that there business was being carried out under the trade name "Al Matheena" and not the name in which the license had been issued.

8.Heard the learned counsel on both sides and perused the materials available on record.

9.It is an admitted fact that the petitioner was running the Hotel business for the last 7 years without any license, since the license expired on 31.03.2018 but only based on the interim order passed by this Court on 26.02.2018. There is no lease agreement between the owner of the premises and the petitioner which is one of the conditions to renew the license.



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10. In view of the above factual matrix of the case, the writ petition stands dismissed. No costs. Consequently, miscellaneous petition is closed.

08.04.2025

vsn

Index : Yes / No

Speaking / Non-Speaking Order

To

The Commissioner,
Karaikal Municipality,
Karaikal.



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