



W.P.No.17084 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2025

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.17084 of 2022

Deepak Kurapati Row

.. Petitioner

VS

1. The Collector
District Collector Office
Rajaji Salai, Fourth Floor, 62, Beach Road
George Town, Chennai – 600 001.

2. Tahsildar cum Executive Magistrate
Social Welfare Department
under TN Hostel and Homes for Women
and Children (Regulations) Act, 2014
District Collector Office
Rajaji Salai, Fourth Floor, 62, Beach Road
George Town, Chennai – 600 001.

3. Ravi Mahadevan

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, seeking a writ of certiorarified mandamus, calling for the records relating to impugned order passed by the first respondent dated 22.06.2022, vide Na.Ka.No.1355/A4/2021, and to quash the same and forbear the respondents from taking any action against the petitioner under the guise of enquiry or compelling the petitioner to obtain license.

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For Petitioner : Mr.S.Sundaresan
For Respondents : Mr.P.Ganesan
Additional Government Pleader
for R1 and R2

ORDER

This writ petition has been filed challenging the impugned proceedings of the first respondent dated 22.06.2022 and to forbear the respondents from taking action against the petitioner without affording an opportunity to the petitioner.

2. The case of the petitioner is that he is neither running a women's hostel or home, as is alleged in the impugned order, and he has let out the premises through separate leave and license agreement and he is collecting monthly rents. However, by virtue of a false complaint given by the third respondent, the respondents 1 and 2 have proceeded to initiate action against the petitioner and directed those persons, who are in occupation of the subject property to vacate the premises within a period of fifteen days.



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3. When this writ petition was admitted on 08.07.2022, this Court granted protection to the petitioner and directed *status quo* to be maintained and the respondents were directed to file counter.

4. Counter affidavit has been filed by the first respondent and the first respondent has taken a stand that the premises is in occupation of four working women and the premises is being used as hostel without getting necessary permission under the Tamil Nadu Hostel and Homes for Women and Children (Regulation) Act, 2014 [for brevity, hereinafter referred to as "the Act of 2014"]. In view of the same, the respondents have justified the action taken by the first respondent.

5. Heard *Mr.S.Sundaresan*, learned counsel for the petitioner and *Mr.P.Ganesan*, learned Additional Government Pleader for respondents 1 and 2.

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6. The short issue that arise for consideration in the present case is as to whether the premises in question, which is occupied by women who are working in some establishment, can be categorised as a hostel or a lodging house under the Act of 2014.

7. In order to arrive at such a conclusion, the petitioner must be put on notice and he must be heard before taking a decision. The specific case of the petitioner is that the premises is not used as a hostel or as a home and the petitioner has executed separate leave and license agreement and is collecting monthly rent and the occupants are enjoying the property only in their capacity as tenants. This fact has to be necessarily tested by the respondents. The impugned order has been passed by the first respondent without affording any opportunity to the petitioner only on the premise that the petitioner is running a working women's hostel without obtaining proper license under the Act of 2014.



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8. In light of the above decision, the impugned proceedings of the first respondent dated 22.06.2022 is hereby quashed and there shall be a direction to the first respondent to issue notice to the petitioner and afford an opportunity to the petitioner and deal with the stand taken by the petitioner and thereafter take a final decision.

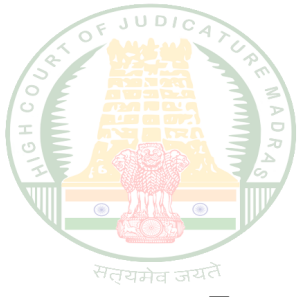
9. In the result, this writ petition is allowed with the above directions. There shall be no order as to costs. Consequently, W.M.P.No.16606 of 2022 is closed.

01.07.2025

Speaking Order/Non-Speaking Order.
Internet : Yes/No.
Index: Yes/No.
Neutral Citation: Yes/No

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To

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2. Tahsildar cum Executive Magistrate
Social Welfare Department
under TN Hostel and Homes for Women
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N.ANAND VENKATESH, J.

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