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WP No. 32773 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2025

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THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

**WP No. 32773 of 2025
and W.M.P.No.36690 of 2025**

1. S.Prakash Vasista

S/o. Late Sri Sathyanarayanan, Proprietor Of M/s.
Hoysala Associates, No.73c, Out House, Rathanavilas
Road, Basavanagudi, Bangalore-560 004.

Petitioner(s)

Vs

1. The Commissioner

Udagamandalam Municipality, Udagamandalam,
The Nilgris.

2.Sri Abu Babaji Charitable Mission Trust,
Represented By Its Managing Trustee, West Lake
Palace, Hadfield Road, Ooty, The Nilgiris - 643001,
The Owner Of The Property Situated At Door No.
982/b2, Pudhunagar, Marys Hill, Udhagamandalam.
(r2 Suo Motu Impleaded Vide Order Dated 01.09.2025
Made In Wp.32773/2025 By Vlnj)

Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of certiorari, calling for the entire records on the file of the 1st respondent in pursuant of the “NOTICE bearing No.03/2025 dated 06.08.2025” and quash the same.



secured a trade license from the Municipality on the basis of this address.

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3. On coming to know that the address for which the lease had been entered into, is different from the address for which the petitioner and the 2nd respondent had entered into the lease agreement, the Municipality issued him a notice. Thus, the petitioner challenged the same by way of the present writ petition.

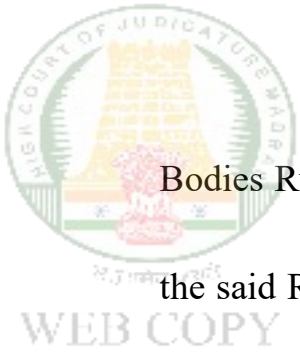
4. Taking note of the fact that the landlord will be adversely affected if any orders are passed in the writ petition, the landlord was impleaded by this Court on 01.09.2025. The landlord has entered appearance through Ms.S.Varsha. It has also filed a counter affidavit and typed set of papers. A perusal of the typed set of papers filed by her reveals that between the petitioner and the 2nd respondent, a suit is pending in O.S.No.58 of 2024, on the file of the District Munsif Court at Ootacamund. In the said suit, an application had been filed for interim injunction in I.A.No.2 of 2024 and the said application came to be dismissed by the learned District Munsif on 28.02.2025. A perusal of the order



shows that the petitioner was being a wilful defaulter in payment of rent, causing loss of several lakhs of rupees to the landlord, it was held that the petitioner was disentitled to the order of injunction. The order passed by the Court in I.A.No.2 of 2024 in O.S.No.58 of 2024 dated 28.02.2025, had not been disclosed to this Court when the writ petition had been moved.

5.Mr.V.Ramamurthy stated that if time is granted, he would clear the arrears of rent. Taking into consideration the plea of Mr.V.Ramamurthy, I granted four weeks time to the petitioner to clear the arrears of Rs.49,89,000/-, on or before 25.10.2025. When the matter was called today, Mr.V.Ramamurthy urged that the arrears of rent as qualified by the learned District Munsif is wrong, and that the petitioner is only in arrears of rent for eighteen months (Rs.1,50,000/- being the rent per month), and if two months time is granted, he would clear the same.

6.Per contra, Dr.T.Seenivasan, Special Government Pleader appearing for 1st respondent invites my attention to Rule 302 of the Tamil Nadu Urban Local



Bodies Rules, 2023. In particular, he places heavy reliance upon Rule 302(a) of the said Rules. According to him, the petitioner, though he was aware that he is in possession of Door No.982/B, West Lake Palace, Hadfield Road, Ootacamund, had given a wrong address and secured a trade license. On this fact coming to the notice of the Commissioner, he issued a notice to the writ petitioner stating that the address given by the petitioner is a wrong one. Hence, he issued the impugned notice and subsequently proceeded to cancel the license on 25.08.2025.

7.I have carefully considered the submissions of both sides and I have gone through the records available in detail.

8.One of the essential principles in writ jurisdiction is that a petitioner should not suppress the material facts, which will throw a light on the litigation. The filing of the suit had been disclosed by the petitioner. He had enclosed the plaint in O.S.No.58 of 2024. However, the crucial information of the dismissal of interim injunction application filed by the writ petitioner herein and the



finding of the learned District Munsif that since the petitioner herein is a defaulter in rents and therefore, not entitled to an order of injunction, was kept away from the knowledge of the Court.

9. Even I were to keep aside this suppression of material fact, the aspect pointed out by Dr. T. Seenivasan, Special Government Pleader, looms much against the petitioner. Having entered into a lease agreement for a property situated at Door No. 982/B, West Lake Palace, Hadfield Road, Ootacamund, the petitioner had obtained license as if the property is situated in Door No. 982/B2, Pudhunagar, Marys Hill, Udthagamandalam – 643 001. This act amounts to fraudulent application made by the petitioner before the 1st respondent. The petitioner ought to have disclosed the correct details as required under Section 102 of the Tamil Nadu Urban Bodies Act, 1998, read with Rule 289 of the Tamil Nadu Urban Local Bodies Rules, 2023.

10. In terms of Rule 289, an application has to state with precision, the place where a person is carrying on business. In terms of Rule 289 (3) (b), he



should enclose the lease deed, clearly showing the address of the trade or business, for which the license is being applied. If a wrong address is given and a license is sanctioned, obviously it amounts to playing fraud on the 1st respondent. Furthermore, a notice can be challenged only if the authority issuing it has done with a malafide intention or does not possess the jurisdiction to issue the same. In this case, there is no plea that the Commissioner has acted in a malafide manner. As per the Act and the Rules made thereunder, the Commissioner has the jurisdiction to issue the notice.

11. In the light of the above discussion, I find no reasons to interfere with the impugned order and accordingly, this Writ Petition stands dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

27.10.2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

1.The Commissioner
Udagamandalam Municipality,
Udagamandalam , The Nilgris.

2.Sri Abu Babaji Charitable Mission
Trust,
Represented By Its Managing Trustee,
West Lake Palace, Hadfield Road,
Ooty, The Nilgiris - 643001, The
Owner Of The Property Situated At
Door No. 982/b2, Pudhunagar, Marys
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V.LAKSHMINARAYANAN J.

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