

W.A(MD) No.1379 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 14.07.2025

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

W.A(MD) No.1379 of 2025

and

C.M.P.(MD)No.8309 of 2025

Hotel Gowri Tourist Home,
Boarding and Lodging,
Kanavaipatti Road,
Batlagundu,
Dindigul District,
Through its Proprietor,
R.Rajangam

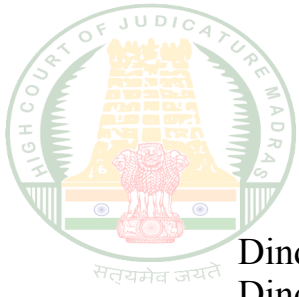
... Appellant

Vs.

1.The Commissioner,
Prohibition and Excise Department,
Ezhilagam,
Chennai-5.

2.The District Collector,
Dindigul,
Dindigul District.

3.The Assistant Commissioner,
Prohibition and Excise Department,
Collector Office Campus,



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Dindigul,
Dindigul District.

4.The Tahsildar,
Nilakottai Taluk,
Nilakottai,
Dindigul District.

5.The Batlagundu Special Grade Town Panchayat,
Through its Executive Officer,
Batlagundu,
Dindigul District.

6.The District Magistrate,
TASMAC,
Theni.

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order made in W.P.(MD)No.2850 of 2025, dated 18.03.2025 on the file of this Court and allow this writ appeal.

For Appellant : Mr.Karthikeya Venkatachalapathy
for Mr.N.S.Karthikeyan

For Respondents : Mr.N.Satheeshkumar
Additional Government Pleader
for R1 to R5

: Mr.S.Srinivasan
Standing Counsel
for R6



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ORDER

(Order of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.

2. The appellant was the holder of FL-3 license. It expired on 23.03.2027. To obtain renewal of the said FL-3 License, the appellant has to produce the public building license from the jurisdictional Thasildar. The jurisdictional Tahsildar vide memorandum dated 27.11.2024 declined to grant the public building license sought for by the appellant. Challenging the same, the appellant filed W.P.(MD)No.2850 of 2025. The learned single Judge relegated the appellant to go before the appellate authority under Section 11 of the Tamil Nadu Public Buildings (Licensing) Act, 1965. Aggrieved by the same, this writ appeal has been filed.

3. It is seen from the impugned memorandum of the jurisdictional Thasildar that the license was declined only by citing the objections of the executive officer of the local body.



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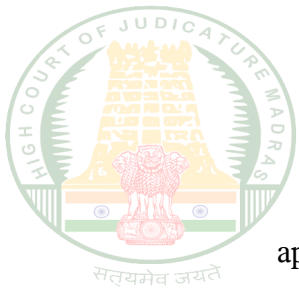
4. We are clearly of the view that the scheme of the statute does not contemplate considering the objections of the local body at all. Section 6 of Tamil Nadu Public Buildings (Licensing) Act, 1965 Act reads as follows:-

“6.(1) On the basis of the certificate of structural soundness accompanying the application under sub-section (1) or sub- section (2) of section 4, or on the basis of the opinion obtained from the engineer under sub-section (1) of section 5 or on the basis of the inspection made under sub-section (2) of section 5, if the competent authority is satisfied

(a) that the building or the existing public building, as the case may be, may safely be used for the purpose specified in the application;(a) that the building or the existing public building, as the case may be, is structurally sound: shall, by written order, grant the licence and if the competent authority is not so satisfied, it shall, by written order, refuse to grant the licence.

(2) (a) In the case of a building, not being an existing public building, the competent authority shall pass the order under sub-section (1) and shall communicate in the manner prescribed such order to the applicant within a period of three months from the date of the receipt of application under sub-section (1) of section 4.

(b) In the case of an existing public building, the competent authority shall pass the order under sub-section (1) and shall communicate in the manner prescribed such order to the applicant within a period of six months from the date of the receipt of the



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application under sub-section (2) of section 4.

(3) The licence shall be in the prescribed form, shall be subject to such conditions as may be specified therein and shall also specify the building or the existing public building, as the case may be, the purpose for which it is to be used and the number of persons which the building or the existing public building can accommodate without danger to their safety.

(4) A licence granted under sub-section (1) shall be valid for a period of three years or for such shorter period as the competent authority may specify in the licence and the period aforesaid shall commence- (i) in case the licence relates to a building, not being an existing public building, on the date of the communication of the order granting the licence, and (ii) in case the licence relates to an existing public building, on the date of the expiry of a period of one year from the date of the commencement of this Act.

(5) Where the competent authority refuses to grant a licence under subsection (1), it shall give reasons for such refusal.

5. It can be seen from the above that the prime consideration of the jurisdictional Tahsildar can only be regarding the structural stability of the building. If such an opinion had been issued by the engineer concerned, it would be the duty of the Tahsildar to grant license sought for. Since irrelevant material has been taken into account, we set aside the memorandum impugned in the writ petition. The order impugned in the writ appeal is set aside. The writ appeal is allowed to the limited



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extent of remanding the matter to the file of the fourth respondent. The fourth respondent will consider the issue afresh and take a call within a period of four weeks from the date of receipt of a copy of this order. We make it clear that the scope of this appeal proceedings is limited to the issuance of licence under the Tamil Nadu Public Buildings (Licensing) Act, 1965. We have not gone into any other aspect.

6. The Writ Appeal is allowed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S., J.) (K.R.S., J.)
14.07.2025

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
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To
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