



W.P(MD)No.16566 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.16566 of 2025

Alaya Recreation Club
represented by its Secretary,
S.Thiruppathi.

... Petitioner

Vs

1. The District Collector,
Dindigul District.
2. The Assistant Commissioner of Prohibition and Excise,
Collectorate, Dindigul.
3. The Divisional Excise Officer,
Divisional Excise Office,
Dindigul.
4. The Tahsildar,
Nilakottai,
Dindigul District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka. No.3544/2024/A1 dated 19.03.2025 on the file of the respondent No.4 and quash the same as illegal and consequently



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for a direction, directing the respondent No.4 to issue Form-D license to the petitioner as per Section 6(1) of the Tamil Nadu Public Buildings (Licensing) Act, 1965 and Rule 6 of Tamil Nadu Public Building (Licensing Rules) 1966 within the time period stipulated by this Court.

For Petitioner : Mr.T.Aswin Raja Simman
For Respondents : Mr.M.Lingadurai
Special Government Pleader

ORDER

The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to quash the impugned order dated 19.03.2025 and consequently, direct the fourth respondent to issue a Form-D license to the petitioner.

2. The learned Counsel appearing for the petitioner submitted that under Clause 6(1) of the Public Buildings (Licensing) Act, the Tahsildar is empowered to ascertain the structural stability of the building and issue Form-D license and the Tahsildar cannot go beyond the power granted under the statutory provisions.



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3. It is seen that the Tahsildar has refused to issue the Form-D license based on the objections from the Executive Officer of Batlagundu Town Panchayat. The objection of the Executive Office is that the Alaya Recreation Club is proposed to establish on the main road leading to Kodaikanal and the main road have heavy traffic because of tourists to Kodaikanal, if license is granted several accidents would happen. Accepting the said objection the Tahsildar had refused to issue Form-D license.

4. This Court is of the considered opinion that the issue dealt with by the Tahsildar is coming within the purview of the Commissioner of Prohibition and Excise and the same shall be dealt with by the said Commissioner. The Tahsildar is having power to ascertain the structural stability alone, either he has to state there is no structural stability or has to state there is structural stability. The reason stated by the Tahsildar is beyond the scope of Section 6 of the said Act.

5. Therefore, the said impugned order is quashed. Accordingly, the matter is remitted back to the Tahsildar / fourth respondent. The Tahsildar is strictly directed to consider the petitioner's application and pass orders regarding the structural stability of the building alone in accordance with Section 6 of the Public Building (Licensing) Act and the said exercise shall be completed within a period of four (4) weeks from the date of receipt of a copy of this order.



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6. With the above said directions, this Writ Petition is allowed. There shall be no order as to costs.

02.07.2025

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

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To:

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Dindigul District.
2. The Assistant Commissioner of Prohibition and Excise,
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3. The Divisional Excise Officer,
Divisional Excise Office,
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4. The Tahsildar,
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S.SRIMATHY, J.

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ORDER MADE IN
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