

In the High Court of Judicature at Madras

Dated : 23.12.2014

Coram :

The Honourable Mr.Justice V.RAMASUBRAMANIAN

Writ Petition No.34460 of 2014 and MP.No.1 of 2014

P.Radhakrishnan

...Petitioner

Vs

1.The Commissioner, Corporation of
Chennai, Chennai-3.

2.The District Revenue Officer/
Assistant Commissioner, Zone 13,
Revenue Department, Corporation
of Chennai, Chennai-3.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent relating to the impugned notice dated 24.10.2014 issued under Section 379(A) of the Chennai City Municipal Corporation Act IV of 1919, quash the same and consequently direct the respondents to unlock the seal to enable the petitioner to remove the instruments and vacate his place of business at Door No.6 (Old No.82), Sixth Street, Narasinghapuram Extension, Guindy, Chennai-32 by considering the petitioner's representation dated 18.12.2014.

For Petitioner : Mr.N.Manokaran

For Respondents : Mr.P.V.Selvakumar

ORDER

The petitioner has come up with the above writ petition challenging a notice issued under Section 379(A) of the Chennai City Municipal Corporation Act, 1919.

2. Heard Mr.N.Manokaran, learned counsel for the petitioner. Mr.P.V. Selvakumar, learned Standing Counsel takes notice for the respondents.

3. All that the petitioner wants is only 15 days time to vacate the premises. But, the premises now stands sealed. In paragraph 14 of the affidavit, the petitioner has stated as follows :

"I submit that the impugned notice has been issued even without giving a breathing time to realize the situation and to act in the manner known to law. Lock and seal has caused serious repercussion in my life. I submit that my application for licence has been processed, but it has not been issued to me till this date. Under such circumstances, I have decided to shift my business and to vacate the shop in the event of giving me 15 days time to vacate the premises. I hereby undertake that I will not carry on any business activities in the interregnum. Hence, it is just and necessary to issue interim direction to the respondents to unlock the premises to enable me to shift the place of business by vacating the shop at door No.6, Old No.82, Sixth Street, Narasinghapuram Extension, Guindy, Chennai-32 pending disposal of this writ petition before this Honourable Court and thus render justice."

4. In view of the above, the writ petition is disposed of directing the respondents to open the lock and seal and permit the petitioner to take away the goods and vacate the premises within a period of 15 days from the date of removal of the seal. If the petitioner violates the undertaking, it is open to the respondents to seal the premises once again. No costs. Consequently, the above MP is closed.

Sd/-
Assistant Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

To

- 1.The Commissioner, Corporation of Chennai, Chennai-3.
- 2.The District Revenue Officer/Assistant Commissioner, Zone 13, Revenue Department, Corporation of Chennai, Chennai-3.

1 cc to Mr.Mr.N.Manokaran ,Advocate, SR.No.63405

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and MP.No.1 of 2014

tej (Co)pmk.8.1.2015