

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 01.06.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.14086 of 2015

Syed Mohammed

.. Petitioner

Versus

1. The Commissioner
Corporation of Chennai,
Chennai - 600 003.

2 S.Raghu

.. Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, to direct the first respondent to consider and process the representation of the petitioner dated 17.04.2015 for renewal of the Hotel License Sri Bhavan, carrying on business at No.1/26 and 27, Arcot Road, Kodambakkam, Chennai - 600 024.

For Petitioner : Mr.R.Munuswamy

For Respondents : Mr.P.V.Selvakumar

O R D E R

By consent, the writ petition is taken up for final disposal.

2. The petitioner claims that he is the Proprietor of the Hotel known as "Sri Bhavan" at No.1/26 and 27, Arcot Road, Kodambakkam, Chennai - 600 024 and he is running the said business for more than 11 years. The second respondent is the owner of the property. The grievance expressed by the petitioner is that when he approached the second respondent for issuing letter to the first respondent for renewal of licence for hotel business and also for change of name in the license, the second respondent has refused to give the same. In this regard, the petitioner made a representation dated 17.04.2015 to the first respondent requesting for renewal of licence and also for change of name of the license without insisting of no objection certificate from the second respondent. Since the representation submitted by the petitioner has not been given disposal by the first respondent, the petitioner came forward to file this writ

3. The petitioner has also filed a suit in O.S.No.6653 of 2014 on the file of the learned VIII Assistant Judge, City Civil Court, Chennai for permanent injunction to restrain the defendant from evicting the petitioner illegally from the suit property and for permanent injunction against the second respondent herein from disturbing the peaceful possession and enjoyment of the suit property by the petitioner and for mandatory injunction directing the second respondent herein to give no objection certificate or letter in favour of the petitioner. In the said suit, in I.A.No.18006 of 2014, the petitioner obtained an order that not to evict him without following the due process of law.

4. Heard the submissions of Mr.R.Munuswamy, learned counsel appearing for the petitioner and Mr.P.V.Selvakumar, learned counsel, who accepts notice for the respondents.

5. Taking into consideration the limited scope of the prayer sought for by the petitioner and without going into the merits of the representation dated 17.04.2015, this Court, directs the 1st respondent to consider the representation dated 17.04.2015 submitted by the petitioner, on merits and in accordance with law, after putting on notice, the second respondent and pass orders within a period of eight weeks from the date of receipt of a copy of this order and inform the decision taken, to the petitioner as well as to the second respondent.

6. The writ petition is disposed of, accordingly. No costs.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

jbm

To

The Commissioner
Corporation of Chennai,
Chennai - 600 003.

1 cc to Mr.R. Munuswamy, Advocate, sr. 26298
1 cc to Mr.P.V. Selvakumar, Sr. 25847

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TM (CO)

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