

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2015

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

W.P. No. 32184 of 2015

&

M.P. No. 1 of 2015

Krishna Textiles,
rep. by
Mr.N. Mahesh Kumar,
No.E-35, II Avenue,
Besant Nagar,
Chennai - 600 090.

..Petitioner

Vs.

1. The Revenue Officer,
Corporation of Chennai,
Ripon Building,
Chennai - 600 003.

2. DRO/Assistant Commissioner,
The Corporation of Chennai,
Adyar Circle - XIII,
Chennai - 600 020.

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Certiorari and Mandamus to call for the records of the respondents relating to the notices dated 31.07.2015 and 16.09.2015 issued by respondents 1 and 2 respectively to the petitioner firm and quash the same and consequently direct the respondents to remove the seal affixed on 26.09.2015 at the business premises of M/s. Krishna Textiles at No. E-35, II Avenue, Besant Nagar, Chennai - 600 090, and to consider the application dated 28.09.2015 for grant of Trade Licence made by the petitioner to the respondents and to grant the petitioner, Trade Licence for running the above business of M/s. Krishna Textiles at No. E-35, II Avenue, Besant Nagar, Chennai - 600 090.

For Petitioner :: Mr.Parthasarathy,
Senior Counsel for
Mr.Rohit Krishna

For Respondents:: Mr.P.V. Selvakumar

O R D E R

This writ petition is filed challenging the notices dated 31.07.2015 and 16.09.2015 issued by respondents 1 and 2 respectively, quash the same and for a consequential direction to the respondents to remove the seal affixed on 26.09.2015 at the business premises of the petitioner, namely, M/s. Krishna Textiles, No.E-35, II Avenue, Besant Nagar, Chennai - 90 and to consider the petitioner's application dated 28.09.2015 for grant of Trade Licence to run the business in the above mentioned premises.

2. The petitioner is a tenant under one Mrs. Andal Narasimhan and Mrs. Rajam Ramanujam in respect of the premises at No. E-35, II Avenue, Besant Nagar, Chennai -90 and he is carrying on business in the said premises under the name and style of M/s. Krishna Textiles. The relationship between the petitioner and his landladies is strained and there are proceedings pending in R.C.O.P. No. 280 of 2014 before XIV Small Causes Court, Chennai as well as C.R.P. No. 1953 of 2012 before this Court. When the petitioner has been running the business, without any problem, the 1st respondent issued a notice on 31.07.2015 to obtain trade licence to conduct the business in the petition premises and he had also called upon the petitioner to produce No Objection Certificate from the landladies, rental receipts and latest property tax receipts in respect of the premises. Thereafter, the 2nd respondent issued a notice dated 16.09.2015 under Section 379(A) of CCMC Act IV of 1999 to stop the textile trade within 24 hours failing which they threatened to seal the premises and on 26.09.2015, the premises in question was stating that the petitioner did not have trade licence. On 29.09.2015, the petitioner sent a letter to the respondents along with Demand Draft for Rs.1000/-, Affidavit and a National Savings Certificate for a sum of Rs.500/- for grant of Trade Licence. However, even after the receipt of the said application, the seal has not been removed. Therefore, questioning the notices dated 31.07.2015, 16.09.2015 issued by the 1st and 2nd respondents respectively and consequently, to direct the respondents to remove the seal affixed on 26.09.2015, in respect of the petitioner's business premises, the petitioner has approached this Court.

3. Heard Mr.Parthasarathy, learned Senior Counsel appearing for the petitioner and Mr.P.V. Selvakumar, learned counsel appearing for the respondents.

4. Admittedly, as on date, the petitioner does not have a trade licence and only after issuance of notice, the petitioner's premises has been sealed. To remove the seal and to open the premises, trade licence is necessary. Though the petitioner is said to have sent a letter on 29.09.2015, he is required to file an application in the prescribed format along with required documents. Therefore, the petitioner is directed to file proper application to the Assistant Revenue officer, Zone XIII, Adyar Circle XIII, Chennai -20, along

with required documents. It is made clear that in view of strained relationship between the petitioner and his landladies, he cannot be expected to produce No Objection Certificate from them. However, the petitioner shall produce copy of the proceedings before the Rent control Court to show that the landladies have initiated proceedings against him. As already stated, the respondents shall not insist upon NOC to be produced by the petitioner and based on the production of other required documents, the respondents are directed to issue trade licence on or before 15.10.2015. The writ petition is ordered on the above terms. No costs. Connected M.P. is closed.

5. Call the matter for reporting compliance on 16.10.2015.

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s/d-

Assistant Registrar(T&P)

True Copy

Sub-Assistant Registrar

To

1. The Revenue Officer,
Corporation of Chennai,
Ripon Building,
Chennai - 600 003.
2. DRO/Assistant Commissioner,
The Corporation of Chennai,
Adyar Circle - XIII,
Chennai - 600 020.
3. The Assistant Revenue officer,
Zone XIV, Adyar Circle XIII,
Chennai-20.

+ 2 ccs to Mr.Rohit Krishna, Advocate SR 55408

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