

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2015

CORAM

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.3664 of 2015 and

M.P.No.1 of 2015

K.Divakaran

.. Petitioner

v.

The District Revenue Officer/Assistant Commissioner
Corporation of Chennai, Zone-13,
No.115, Dr.Muthulakshmi Salai
Adyar, Chennai 600 020.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus directing the respondent to remove the seal put in the three shop portions belonging to the petitioner at Door No.3/67, Narasingapuram Extension, 4th Street, Guindy, Chennai 600 032.

For Petitioner : Mr.P.Manoj Kumar
For Respondents : Mr.P.V.Selvakumar

ORDER

The petitioner seeks for issuance of a writ of mandamus directing the respondent to remove the seal put up in his three shops.

2.The petitioner is the owner of the premises which was leased out to one Muthazhagan for non-residential purpose and he was carrying on business in foam pillows. However, since he was not carrying on business after obtaining trade licence, action was initiated by the respondent Corporation. On direction issued by the petitioner, the said Muthazhagan is said to have vacated the shop. However, the respondent Corporation has sealed the premises on the ground that, the erstwhile was carrying on business without obtaining trade licence. If the submission made by the petitioner is factually correct, then the action of the respondent is not justified. However, at this stage, the same cannot be adjudicated since no counter affidavit has been filed by the respondent. Hence, there will be a direction to the respondent to re-inspect the premises and if the tenant has vacated and the premises is lying vacant, the respondent is directed to forthwith unseal and unlock the premises.

Accordingly, this writ petition is disposed of. No costs.
Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar
Dated:23.2.15

True Copy

Sub Assistant Registrar

To

The District Revenue Officer/Assistant Commissioner
Corporation of Chennai, Zone-13,
No.115, Dr.Muthulakshmi Salai
Adyar, Chennai 600 020.

+1 cc to Mr.P.Rajendran, Advocate,SR.8545.

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