

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25/11/2015

C O R AM

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

W.P.No.37474 of 2015

C. Devendra Prasad

... Petitioner

Vs

1. The Commissioner
Corporation of Chennai
Chennai 600 003.
 2. The Assistant Revenue Officer
Zone - 9 Division 122 Chennai Corporation
No.1, 4th Cross Street
Lake Area
Valluvar Kottam Back Side
Nungambakkam
Chennai 600 034.
 3. Rabiya Basheer Ali
 4. Venugopal.
- ... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the first and second respondents to take action against the third respondent and her sub-tenant, the fourth respondent, carrying on business vegetable and fruit business in the name and style of Body Guard Muneeswaran vegetable shop without license in the shop in property bearing Old No.157, New No.518, T.T.K.Raod, Alwarpet, Chennai 600 018.

For petitioner : Mr.Inamdar Ameenur Rahman

For respondents : Mr.P.V.Selvakumar
for R.R.1 and 2.

O R D E R

With the consent of the learned counsel appearing for the parties, this writ petition is taken up for final disposal, at the admission stage itself.

2. Heard Mr.Inamdar Ameenur Rahman, learned counsel for the petitioner and Mr.P.V.Selvakumar for the first and second respondents.

3. This writ petition has been filed praying to direct the first and second respondents to take action against the third respondent and her sub-tenant, the fourth respondent, carrying on business vegetable and fruit business in the name and style of Body Guard Muneeswaran vegetable shop without license in the shop in property bearing Old No.157, New No.518, T.T.K.Road, Alwarpet, Chennai 600 018.

4. The petitioner, who is the owner of the property, which is said to have let out on rent to the second and third respondents. The allegation is that the third respondent has sub-let the same to the fourth respondent, who is running a vegetable shop. It is admitted by the petitioner that the Rent Control Proceedings have been initiated against the third respondent for willful default in payment of rent and the same is pending before the Rent Controller. In this writ petition, the petitioner seeks for consideration of his representation made to the second respondent, stating that the fourth respondent is carrying on business, without obtaining any license. The representations were given from November 2014 and since there was no response, in spite of legal notice issued by the petitioner on 1/10/2015, the petitioner is before this Court.

5. Since this Court is of the view to dispose of the writ petition, at the admission stage, without notice to the respondents 3 and 4, the merits of the allegations made by the petitioner are not gone into. In any event, the representation having been given, it is appropriate for the second respondent to consider the same and send a reply to the petitioner. However, it appears to have not been done.

6. The learned Standing Counsel appearing for the respondents 1 and 2 submitted that reasonable time may be granted to the second respondent to consider the representation of the petitioner on merits and in accordance with law, after notice to all the concerned.

7. In the light of the above, this writ petition is disposed of, directing the second respondent to consider the petitioner's representations dated 10 and 6/12/2014 and the representation in the form of legal notice dated 1/10/2015, on merits and in accordance with law, after issuing notice to the petitioner and the respondents 3 and 4 as expeditiously as possible, preferably within a period of three months, from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

mvs.

To

1. The Commissioner
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Chennai 600 003.
2. The Assistant Revenue Officer
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+1cc to Mr.Inamdar Ameenur Rahman, Advocate, S.R.No.63889
+1cc to Mr.P.V.Selvakumar, Advocate, S.R.No.63972

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BVR(CO)
CA(11/12/2015)

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