

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P.NO.5684 OF 2015
and M.P.No.1 OF 2015

M.Pandian

.. Petitioner

Versus

1. The Commissioner,
Corporation of Chennai,
Rippon Building, Chennai - 3.
2. The Zonal Officer-VII,
Corporation of Chennai,
Ambathur, Chennai - 53.
3. The Revenue Officer,
Zone VII, Corporation of Chennai,
Ambathur, Chennai - 53.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus calling for the records relating to the impugned notice No.Nil, dated 20.02.2015, to quash the same and consequently direct the respondents to renew the license as and when the same falls due after accepting the necessary fee thereto and after due satisfaction of the statutory terms and conditions.

For Petitioner : Mr.L.Chandrakumar

For Respondents: Mr.P.V.Selvakumar,
Standing Counsel

O R D E R

Heard Mr.L.Chandrakumar, learned counsel for the petitioner and Mr.P.V.Selvakumar, learned Standing Counsel for the respondents.

2. The petitioner has filed this writ petition challenging the notice issued under Section 379-A of the Chennai City Municipal Corporation Act, 1919, by which, the petitioner has been called upon to stop the trade activities being carried on in the premises, which is in his possession.

3. The petitioner is running a hotel in the said premises and it is stated that initially license was granted and after the expiry of the license period, the petitioner remitted the license fee for renewal on 29.05.2014 and also remitted the fee for renewal of the fire license. However, renewal application has not been considered and the matter has been kept pending.

4. The learned Standing Counsel for the respondents Corporation, on instructions, submitted that the petitioner is running a hotel in an apartment complex and one of the residents is objecting for renewal.

5. On the other hand, the petitioner would submit that majority of the residents have given their no objection to the petitioner for running the hotel and merely because one of the residents is objecting, it is not a ground to keep his renewal application pending.

6. The first issue to be considered is as to whether the petitioner is entitled to run the Hotel in the building in question. Secondly, it is to be seen as to whether the petitioner is entitled for renewal of license and whether the petitioner has fulfilled the relevant conditions.

7. These issues cannot be considered, if the application for renewal is kept pending, for which purpose, it is necessary for the respondents to conduct enquiry. In such enquiry, the objector should also be heard.

8. In the light of the above, there will be a direction to the second respondent to consider the petitioner's renewal application and to pass orders on merits and in accordance with law, after issuing notice to the petitioner and the Objector and after giving them an opportunity of personal hearing, within a period of two weeks from the date of receipt of a copy of this order. Till such orders are passed by the second respondent, as directed above, the status quo prevailing as on date shall be continued.

9. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (Lok adalat)

/true copy/

Sub Asst. Registrar

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To

1. The Commissioner,
Corporation of Chennai,
Rippon Building, Chennai - 3.
 2. The Zonal Officer-VII,
Corporation of Chennai,
Ambathur, Chennai - 53.
 3. The Revenue Officer,
Zone VII, Corporation of Chennai,
Ambathur, Chennai - 53.
- 1 cc to Mr.P.V.Selvakumar, Advocate, sr. 11918
1 cc to Mr.L.Chandrakumar, Advocate, sr. 11827

W.P.NO.5684 OF 2015

MG (CO)
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