

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.6122 of 2015 and M.P.No.1 of 2015

M/s Lissy Metal Works
rep. By its proprietor,
Mr.D.Rajan
No.594, M.K.N.Road, Alandur,
Chennai - 600 016

.... Petitioner

vs.

1. Corporation of Chennai
rep. By its Commissioner,
Ribbon Building,
Chennai - 600 003

2. Corporation of Chennai
rep. By its Revenue Officer,
Zone - 12, Alandur,
Chennai - 16

3. Kasthuri

.... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the 1st and 2nd respondents to consider the application for license submitted by the petitioner dated 11.09.2014 pertaining to business premises at No.594, ground floor, M.K.N. Road, Alandur, Chennai - 16 in the name and style of "M/s Lissy Metal Works" rep by its proprietor Mr.D.Rajan.

For Petitioner : Mr.T.Ramakrishnan

For Respondents: Mr.T.C.Gopalakrishnan for R1 and R2

ORDER

Heard Mr.T.Ramakrishnan, learned counsel for the petitioner and Mr.T.C.Gopalakrishnan, learned counsel appearing for the first and second respondents. With the consent of either side, the Writ Petition itself is taken up for final disposal at the admission stage. In the light of the direction which this Court proposes to issue in this Writ Petition, notice to the 3rd respondent is dispensed with.

2.The petitioner seeks for a direction to the 2nd respondent to

consider the petitioner's application for grant of trade license. It is seen that the petitioner has filed a suit against the 3rd respondent and her husband, namely, Kumar in O.S.No.939 of 2010 on the file of District Munsif Court, Alandur and obtained an order of Interim Injunction restraining the 3rd respondent and her husband from interfering with the peaceful possession and enjoyment of the property in I.A.No.1909 of 2010 dated 06.12.2010, since the petitioner has approached the civil court as against the 3rd respondent and her husband, the 3rd respondent has given objection to the respondent/Corporation objecting to the renewal of the petitioner's trade license.

3. Even assuming that there is some objection raised by the earlier owner that by itself will not be a ground to keep the application pending beyond license and the authority is bound to consider the objection and thereafter pass orders. In the light of the above, there will be a direction to the 2nd respondent to consider the petitioner's application for renewal of license, after issuing notice to the petitioner and 3rd respondent and her husband and after hearing the parties, the 2nd respondent shall pass orders on merits and in accordance with law within a period of four weeks from the date of receipt of copy of a order.

4. With the above observation, this Writ Petition is disposed of. Consequently connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

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

2. The Revenue Officer, सत्यमेव जयते
Corporation of Chennai
Zone - 12, Alandur, Chennai - 16

1 cc to Mr.T.C.Gopalakrishnan ,Advocate, SR.No.12528
1 cc to Mr.T.Ramakrishnan ,Advocate, SR.No.12478

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