

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.6490/2015

Mr.S.Suresh

..

Petitioner

Versus

1.The Commissioner
Pallavaram Municipality
Chrompet, Chennai-44.

2.R.Sugumaran

..

Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 1st respondent to consider the petitioner's representation dated 10.11.2014 and to pass appropriate order and to initiate necessary proceedings against the 2nd respondent.

For Petitioner : Mr.T.P.Sekar

For R1 : Mr.R.Vijayakumar, AGP

ORDER

Heard Mr.T.P.Sekar, learned counsel appearing for the petitioner ; and Mr.R.Vijayakumar, learned Additional Government Pleader accepting notice for the 1st respondent and with their consent, the writ petition is disposed of at the admission stage itself.

2.Since the writ petition is disposed of at the admission stage itself, notice to the 2nd respondent is dispensed with and the allegation made against the 2nd respondent by the petitioner is not gone into and it is left open to the 1st respondent to consider the same.

3.The petitioner has filed this writ petition seeking direction upon the 1st respondent to consider the petitioner's representation dated 10.11.2014 and to pass appropriate order and to initiate necessary proceedings against the 2nd respondent.

4.The petitioner is the owner of the premises at No.15, CLC Works Road, New Colony, Chrompet, Chennai-44. It appears that the 2nd respondent was inducted as a tenant under the petitioner's father in respect of an extent of 160 sq.ft. in the Ground Floor of the said premises for non-residential purposes. From the typed set of papers it is seen that there is exchange of notices between the parties in which there is an allegation against the 2nd respondent which he has denied by way of a reply notice. However, the petitioner has not initiated any proceedings under the provisions of the Tamil Nadu Buildings and Lease [Rent Control] Act for eviction. However, he has given a representation to the 1st respondent stating that the 2nd respondent is running a hotel in the premises without proper license.

5.Prima facie it appears that the petitioner is seeking to evict the 2nd respondent by way of bringing to the notice of the 1st respondent that he is running a hotel without a license. This court is of the view that no positive direction as sought for, can be granted. However, it is open to the petitioner to pursue his representation before the 1st respondent, which shall be considered in accordance with law after notice to the 2nd respondent.

6.The writ petition is disposed of with the above observation. No costs.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

AP

To

The Commissioner
Pallavaram Municipality
Chrompet, Chennai-44.

1 cc to Mr.T.P. sekar, advocate, Sr. 13221

WP.No.6490/2015

LRS (CO)
kk 21/3