

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.04.2016

Coram

The Hon'ble Mr.Justice T.S.Sivagnanam

Writ Petition No.11788 of 2016

and

W.M.P.No.10171 of 2016

Don Thomas Fernandez

...Petitioner

Vs.

1. The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai.
2. The Revenue Officer,
Revenue Department,
Corporation of Chennai,
Rippon Buildings,
Chennai.
3. The Zonal Officer,
Zone XV,
Corporation of Chennai,
120, Rajiv Gandhi Salai,
Sholinganallur,
Chennai - 600 119.
4. Shiraz Art Care
Tangy Resort,
27, Beach Road, Neelangari,
Chennai.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents 1 to 3 to restrain the fourth respondent from running a cafe/restaurant, without a license under Section 279 of the Chennai City Municipal Corporation Act, 1919.

For Petitioner : Mr.Govind Chandrasekhar

For Respondents 1 to 3 : Mr.P.V.Selvakumar
Standing Counsel

Respondent 4 : No appearance

O R D E R

The petitioner has filed this Writ Petition, seeking for a direction upon the respondent/Corporation of Chennai, to forbear the fourth respondent from running a Restaurant, without securing proper licence under Section 279 of the Chennai City Municipal Corporation Act, 1919.

2. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel for respondent/Corporation. Though notice was served on the fourth respondent, and their name was printed in the causelist, none appears on their behalf.

3. The petitioner has filed an application under the Right to Information Act, dated 25.02.2015, requesting for an information as to whether the fourth respondent possesses any valid licence to run the Restaurant. In response to the petitioner's query, the Public Information Officer sent a reply, dated 18.03.2016, stating that no trade licence has been issued to the fourth respondent, and the fourth respondent has not submitted any application for trade licence, and no Government Official has inspected the Hotel, and notice under Section 279 of Chennai City Municipal Corporation Act, 1919, has been issued. However, it is submitted by the learned counsel appearing for the petitioner that though notice under Section 279 of the Act had been issued, till date, the fourth respondent is continuing to operate the Restaurant, without valid licence.

4. In the light of the above, the Writ Petition is disposed of, by directing the third respondent to conduct an inspection of the premises of the fourth respondent, and ascertain facts, and if the fourth respondent is not in possession of valid licence, then, the third respondent is directed to take action in accordance with the provisions of Chennai City Municipal Corporation Act, after notice to the fourth respondent and afford them an opportunity of hearing. The above direction be complied with by the third respondent within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS II)

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Sub Assistant Registrar

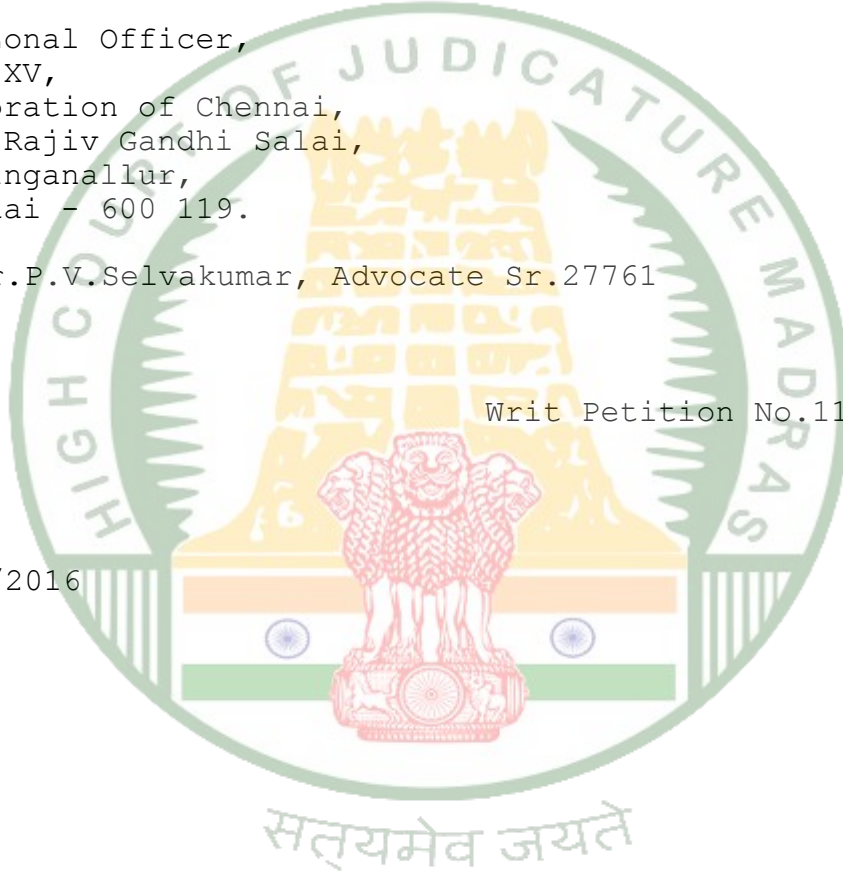
To

1. The Commissioner,
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2. The Revenue Officer,
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+1cc to Mr.P.V.Selvakumar, Advocate Sr.27761

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srg 17/05/2016



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