

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.13458 of 2016

And

W.M.P.No.11813 of 2016

Dharam Chand

... Petitioner

Vs.

- 1 The State of Tamil Nadu Represented by
The Chief Executive Officer
Office of the Cantonment Board,
St.Thomas Mount,
Chennai - 600 016.
- 2 The President
Office of the Cantonment Board,
St.Thomas Mount,
Chennai - 600 016.
- 3 The Vice President
Office of the Cantonment Board,
St.Thomas Mount,
Chennai - 600 016.
- 4 The Health Officer
Office of the Cantonment Board,
St.Thomas Mount,
Chennai - 600 016.
- 5 The Assistant Health Officer
Office of the Cantonment Board,
St.Thomas Mount,
Chennai - 600 016.
- 6 The Member Secretary
Cantonment Board,
Office of the Cantonment Board,
St.Thomas Mount,
Chennai - 600 016.

7 D.Shanmugan
8 K.Parthasarathy

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent Nos.1 to 6 to consider and take appropriate action on the petitioner's Appeal dated 25.02.2016 and dispose of the same on merits in accordance with law, by strictly following order vide No.40030/PCB/Cantt. Bd. Dated 01.03.2016 passed by the 2nd respondent, within stipulated time frame.

For Petitioner : Mr.B.Bala Vijayan
for M/s.Nirmal Kumar

For Respondents : Mr.C.Mohan for R1 to R6
M/s.King and Patridge
M/s.Nageswaran and Narichania
for R7, R8

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The petitioner seems to have aggrieved by the running of a non-vegetarian hotel and restaurant under the name and style of 'Arcot Biryani Castle' by the eighth respondent in the premises owned by the seventh respondent, had submitted a representation dated 25.01.2016 to the Official of the Cantonment Board, St.Thomas Mount, Chennai - 600 016 and since no orders have been passed, came forward to file this writ petition.

3.Heard the submissions of the learned counsel appearing for the petitioner as well as the respective learned counsel appearing for the respondents.

4.The learned counsel appearing for the respondents 1 to 6 would submit that the representation was placed before the Board Meeting held on 08.03.2016 and after due and proper verification, it was found that the non-vegetarian hotel run by the eighth respondent in the premises owned by the seventh respondent, requires Trade licence and accordingly, taking into consideration all aspects, a decision has been taken to issue Trade licence and accordingly, it was issued in favour of the eight respondent and necessary reply will also be sent to the petitioner in this regard.

5.This Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in his representation or in this writ petition, directs the first respondent to dispose of the representation submitted by the petitioner and communicate the decision already taken, to the petitioner, within a period of two weeks from the date of receipt of a copy of this order and the petitioner on receipt of the said reply, if so advised, is at liberty to challenge the same, in accordance with law before the competent forum.

6.The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

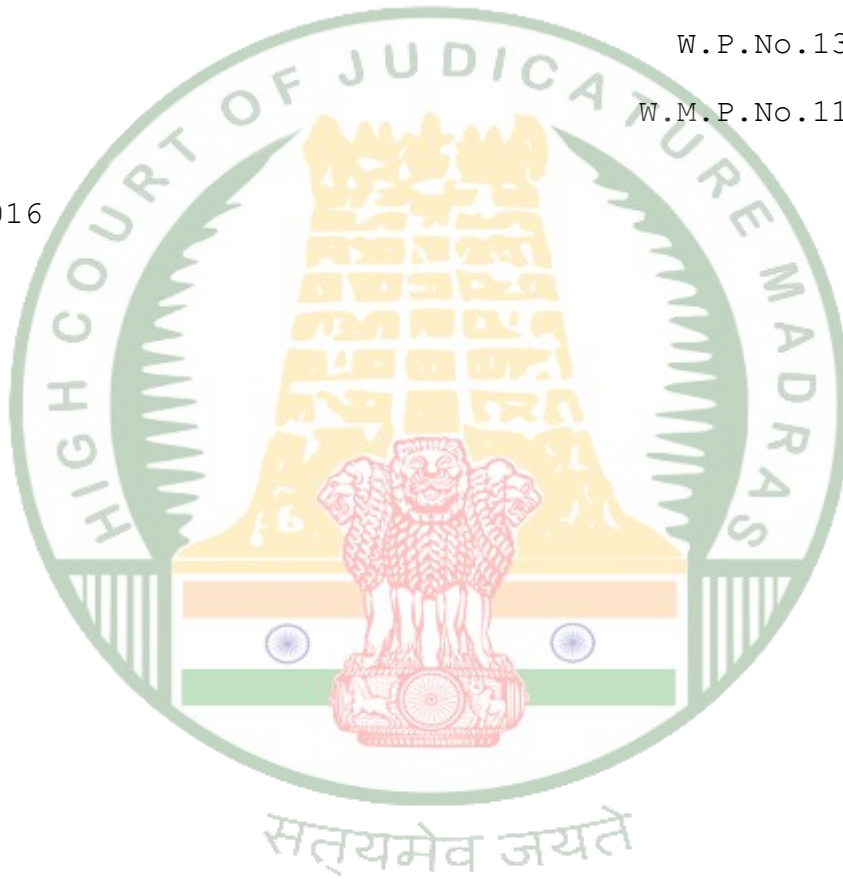
- 1 The Chief Executive Officer
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6 The Member Secretary
Cantonment Board,
Office of the Cantonment Board,
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+1 cc to M/s.King partridge Advocates sr.37847
+1 cc to Ms.Nageswaran and Narichania Advocate sr.38091

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