

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.04.2016

Coram

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

Writ Petition No.14142 of 2016

N.Srinivasan

...Petitioner

Vs.

1. The Commissioner
Corporation of Chennai,
Rippon Building,
Poonamallee High Road,
Chennai - 600 003.

2. The Assistant Revenue Officer,
The Corporation of Chennai,
Revenue Department,
Zone 10, No.117, N.S.K.Salai,
Chennai - 600 024.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus, to call for records of the second respondent, pertaining to the notice issued under Section 379 (A) of CCMC Act IV of 1919, dated 29.03.2016, and to quash the same and consequently, to direct the respondents to issue new license to the petitioner.

For Petitioner : Mr.A.K.Raghavulu

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

सत्यमेव जयते
O R D E R

Mr.A.K.Raghavulu, learned counsel appearing for the petitioner Mr.P.V.Selvakumar, learned Standing Counsel, accepting notice for respondents. With the consent of parties, the main Writ Petition is taken up for final disposal, at the stage of admission.

2. The petitioner has filed this Writ Petition seeking for issuance of a writ of certiorarified mandamus to quash the notice issued by the respondents, and consequently, to direct the respondents to issue new license to the petitioner.

3. The petitioner is running a shop called "Vivekananda Coffee", (viz., Coffee Roasting and Grinding business) bearing No.94, situate at Usman Road, T.Nagar, Chennai - 600 017, and he has approached this Court, challenging the notice issued by the respondents under Section 379 (A) of Chennai City Municipal Corporation Act IV of 1919.

4. According to the petitioner, when inspection was conducted in his shop, he was not able to produce the original licence, as the same was destroyed in the recent flood. The petitioner has produced photographs in the typed set of papers, which shows that the petitioners premises was fully inundated. However, the copies of licence, which were granted to the petitioner from 1994, is available with him, and the same has been filed in the typed set of papers. Therefore, the second respondent could not have taken such a drastic action against the petitioner, merely because, he was not able to produce the original licence, when the fact remains that the licence was granted as early as on 1994, and has been continuously renewed for every year. Thus, the impugned action is not tenable in law. That apart, it is seen that the petitioner had applied for renewal of the licence, and paid fee by means of demand draft, dated 30.03.2016.

5. In the light of the above, the Writ Petition is allowed, the impugned notice stands quashed, and the second respondent is directed to consider the petitioner's application for renewal and renew the licence for the periods 2015-2016 and 2016 - 2017. The above direction be complied with by the second respondent, within a period of four weeks from the date of receipt of a copy of this order. No costs.

-s/d-

Assistant Registrar

True copy

Sub-Assistant Registrar

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To

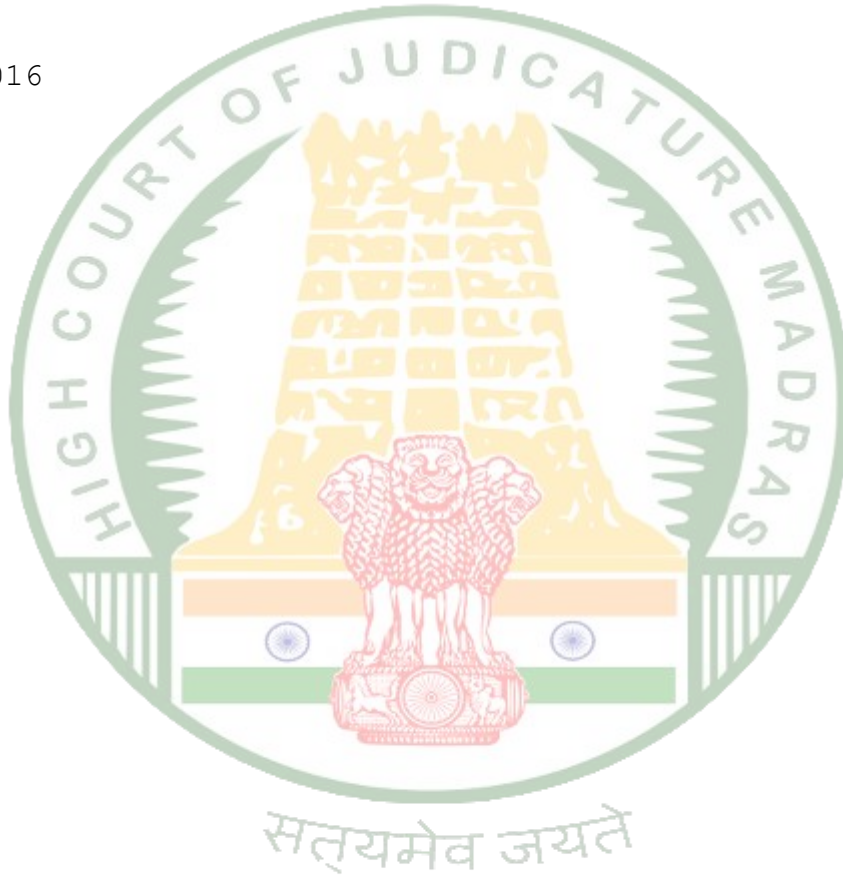
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+1 cc to Mr.P.V.Selvakumar Advocate sr.25146
+1 cc to Mr.A.K.Raghavalu Advocate sr.25002

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