

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 21.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.14673 of 2016

G.Natarajan

.. Petitioner

Vs.

1.The Divisional Fire Officer,
Tamil Nadu Fire and Rescue Services,
South Chennai Division,
Ashok Nagar, Chennai - 600 083.

2.The Zonal Officer,
Zone-10, Chennai Corporation,
No.114, N.S.K.Road, Kodambakkam,
Chennai - 600 024.

3.Loganatharao

.. Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India seeking for a writ of mandamus directing the respondents 1 & 2 to take necessary action based on the representation of the petitioner dated 31.03.2016 against the 3rd respondent for illegal running of the hotel at No.23, Arya Gowda Road, West Mambalam, Chennai - 600 033.

For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.M.L.Mahendran,
Government Advocate (R1)

Mr.P.V.Selvakumar,
Additional Government Pleader (R2)

O R D E R

Heard Mr.C.Prabakaran, learned counsel appearing for the petitioner, Mr.M.L.Mahendran, learned Government Advocate, accepting notice on behalf of 1st respondent and Mr.P.V.Selvakumar, learned Additional Government Pleader, accepting notice on behalf of the 2nd respondent. By consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2.The petitioner, who was an erstwhile tenant in the premises where the 3rd respondent is currently running a hotel, has filed this Writ Petition to take action on his representation wherein the petitioner had stated that the 3rd respondent is illegally running the hotel. The petitioner has admitted that the 3rd respondent had filed a Writ Petition before this Court in W.P.No.8734 of 2016 wherein he sought for quashing the order passed by the Corporation of Chennai, Zonal Officer, Zone-10, Corporation of Chennai dated 25.07.2014 and further direct the officer to renew the trade license. The said Writ Petition was disposed of by this Court by order dated 09.03.2016 and the operative portion of the order reads as follows:

"4.In the light of the above facts, this Court is not inclined to quash the impugned proceedings. Unless and until, the petitioner satisfies all the conditions for running the Hotel, he cannot claim that he should be automatically granted licence, or it should be renewed. Therefore, while rejecting to grant the relief sought for herein, there will be a direction to second and third respondents to conduct inspection of the petitioner's Hotel to specifically see as to whether the defects pointed out has been rectified by the petitioner, and if all the defects have been rectified, then, the application for grant/renewal of licence shall be considered. Inspection shall be conducted within a period of two weeks from the date of receipt of a copy of this order."

3.Thus, it is seen that already the Corporation is seized of the matter and one more direction in this regard is unnecessary, that too, at the instance of the petitioner, who appears to have certain personal grievances against the 3rd respondent, which he seeks to vindicate by way of this Writ Petition. Hence, the prayer sought for cannot be granted. The Writ Petition stands dismissed. However, this will not prevent the respondents 1 & 2 from proceeding in accordance with law. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1.The Divisional Fire Officer,
Tamil Nadu Fire and Rescue Services,
South Chennai Division,
Ashok Nagar, Chennai - 600 083.

2.The Zonal Officer,
Zone-10, Chennai Corporation,
No.114, N.S.K.Road, Kodambakkam,
Chennai - 600 024.

+1cc to Mr.P.V.Selvakumar, Advocate, S.R.No.25142
+1cc to Mr.C.Prabakaran, Advocate, S.R.No.25009
+1cc to the Government Pleader, S.R.No.24976

W.P.No.14673 of 2016

pvs (CO)
srg (05/05/2016)



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