

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.20038 of 2016

Mr.Ukkumraj

... Petitioner

Vs.

The Fit Person/ The Assistant
Commissioner/
Executive Officer of
A/M. Pattinathar Thirukoil,
Tiruvotriyur,
Chennai - 600 019.

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to furnish the No Objection certificate to the petitioner for running the business in respect of premises bearing Door No.64, Ormes Road, Kilpauk, Chennai - 600 010 in view of the representation dated 11.04.2016 and 03.06.2016.

For Petitioner : Mr.S.Arivazhagan

For Respondent : Mr.K.V.Dhanapalan

Additional Government Pleader

O R D E R

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

2.The facts leading to the litigation between the petitioner and the H.R.&C.E. Department have been narrated in detail and in extenso in the earlier round of litigation in W.P.No.1985 of 2016 vide final order dated 21.01.2016 and therefore, it is not necessary to re-state the facts once again.

3.The petitioner challenging the legality of the order dated 05.11.2014, passed by the Assistant Commissioner, H.R.&C.E., has filed revision before the Government and the revision is pending and this Court, in the final order referred to supra, has directed that the impugned notice issued by the second respondent initiating action under Section 78(2) of the H.R.&C.E. ACT shall be kept in abeyance, pending disposal of the

revision petition, with a further direction to dispose of the revision within a stipulated time. The petitioner thereafter submitted representation dated 11.04.2016 to the second respondent praying for permission to issue a no objection certificate for the payment of water and sewerage charges and also for paying Corporation tax and the sales tax levy and since no orders have been passed, came forward to file this writ petition.

4. Heard the submissions of Mr.S.Arivazhagan, learned counsel appearing for the petitioner, who would submit that it would be suffice to direct the respondent to consider and dispose of the petitioner's representation within a stipulated time.

5. Per contra, Mr.K.V.Dhanapalan, learned Additional Government Pleader who accepts notice on behalf of the respondent would submit that the action initiated under Section 78(2) of the H.R.&C.E. ACT is directed to be kept in abeyance, by virtue of the order passed in W.P.No.1985 of 2016, dated 21.01.2016 and the remedy open to the petitioner is to approach the Government, as the revision filed by the petitioner is pending disposal and would further submit that the lease granted in favour of the petitioner had expired as early as in the year 2013 and therefore, there is no landlord/ tenant relationship and therefore, the prayer sought for by the petitioner for issuance of no objection certificate cannot be granted.

6. However, this Court in the light of the facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the respondent to consider and dispose of the petitioner's representation dated 11.04.2016 and 03.06.2016 in accordance with law and pass orders within a period of two weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

7. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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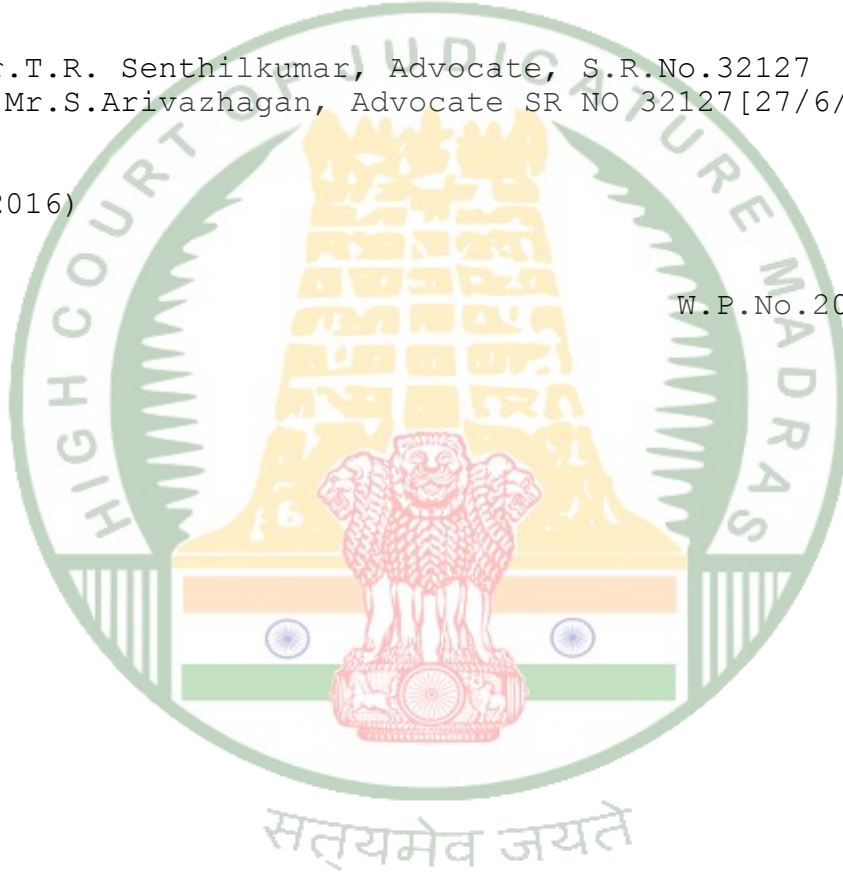
To

The Fit Person/ The Assistant Commissioner/
Executive Officer of
A/M. Pattinathar Thirukoil,
Tiruvotriyur,
Chennai - 600 019.

+1cc to Mr.T.R. Senthilkumar, Advocate, S.R.No.32127
+ 1 CC to Mr.S.Arivazhagan, Advocate SR NO 32127[27/6/16]

MSM(CO)
EU(27/06/2016)

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