

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2016

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

W.P. No. 22880 of 2016
&
W.M.P. No. 19564 of 2016

1. S. Sumermull Baid
 2. K. Duraibabu
- ..Petitioners

Vs.

1. The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Park Town,
Chennai 600 003.
 2. The Assistant Revenue Officer,
IX th Zone, Corporation of Chennai,
Valluvarkottam, Chennai.
 3. Sahul Hameed
- ...Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the 2nd respondent to consider the representation of the petitioners dated 26.5.2016, seeking not to grant trade license to 3rd respondent to commence eatery intended to serve non-vegetarian items in Door No. 43/1, Bazaar Road, Mylapore, Chennai -4.

For Petitioner :: Mr.R. Ramachandran

For Respondents :: Mr.P.V. Selvakumar
for R1 & R2
No appearance for R3

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O R D E R

The 1st petitioner is a resident of Bazaar Road, Mylapore, Chennai and the 2nd petitioner owns and runs a flour mill at No. 43/1 in the said area for more than 15 years. According to the petitioners, the 3rd respondent is making arrangements to open a non-vegetarian eatery adjacent to the 2nd petitioner's flour mill at No.43/1, Bazaar Road, Mylapore, Chennai, which would really cause nuisance to the public in

general. According to the petitioners, even without obtaining licence from the Corporation, the 3rd respondent is hurriedly making arrangements to start the eatery shop. Hence, the petitioners are before this Court after giving a representation to the 1st and 2nd respondents on 26.05.2016.

2. Heard Mr.R. Ramachandran, learned counsel for the petitioner and Mr.P.V. Selvakumar, learned Additional Government Pleader for respondents 1 and 2. Though the 3rd respondent has been served and his name is also printed in the cause list, there is no representation on his behalf.

3. A counter affidavit has been filed by the 2nd respondent stating that an inspection was made by the Licence Inspector, Division 125, Zone -IX, and the said officer reported that the 3rd respondent has neither applied for any licence nor started any business. The counter affidavit further states that if the 3rd respondent applies for licence for running the business in the said location for an eatery shop, as alleged by the petitioners, then, in that event, the objections of the petitioners would be duly considered and orders would be passed accordingly.

4. Taking into consideration, the counter affidavit filed by the 2nd respondent, this Court directs the 1st and 2nd respondents to look into and consider the objections of the petitioners, in the event of any representation/application made by the 3rd respondent, for grant of licence, for starting an eatery business in the said area.

5. Besides, from the photographs produced before this Court to show that a new construction has been put up to open an eatery, it is evident that the new structure put up by the 3rd respondent is protruding into the public road and the pathway has been completely encroached upon by the structure put up by the 3rd respondent.

6. Therefore, the 1st and 2nd respondents are directed to inspect the property, verify whether any approval plan has been obtained or the 3rd respondent has encroached upon the platform or public road and if it is so, appropriate action shall be taken against the 3rd respondent after issuing notice.

7. The writ petition is disposed of with the above directions. No costs. Connected W.M.P. is closed.
nv

-s/d-

Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

To

1. The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Park Town,
Chennai 600 003.
 2. The Assistant Revenue Officer,
IX th Zone, Corporation of Chennai,
Valluvarkottam, Chennai.
- + 1 cc to Mr.R.Ramachandran, Advocate SR 44712
- + 1 cc to Mr.P.V.Selvakumar, Advocate SR 44995

gj(co)
prk29/8

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