

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.43914 of 2016

N.Shanmugam

.. Petitioner

-vs-

1. The Commissioner  
Corporation of Chennai  
Rippon Buildings  
Chennai 600 003

2. The Revenue Officer  
Corporation of Chennai  
Zone No.IV, T.H.Road  
Old Washermanpet  
Chennai 600 021

3. The Assistant Revenue Officer  
Corporation of Chennai  
Zone No.IV, T.H.Road  
Old Washermanpet  
Chennai 600 021

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records of the impugned notice issued by the respondents 2 and 3 dated 15.07.2016 and quash the same as illegal and further direct respondents 2 and 3 to issue license to M/s Duminy Enterprises functioning at 2<sup>nd</sup> and 3<sup>rd</sup> floor at New No.4 Old No.6/1, Inspector Subburayalu Street, Old Washermanpet, Chennai 600 021.

For Petitioner :: Mr.K.Bommuraj  
For Respondents :: Mr.P.V.Selvakumar  
Standing Counsel

## ORDER

Heard the learned counsel for the petitioner. Mr.P.V.Selvakumar, learned standing counsel takes notice on behalf of the respondents.

2. The petitioner, who is the Proprietor of M/s Duminy Enterprises situated at New No.4 (Old No.6/1), Inspector Subburayalu Street, Old Washermanpet, Chennai, procures raw materials for stitching school bags, travelling bags and complimentary bags in his shop and in this process, he is also assisted by three helpers apart from ten contract workers and there are also eight sewing machines worth about Rs.1,00,000/- in his shop. When he had been doing his business in the third floor after entering into a rental agreement with the landlord on 1.1.2016 for payment of a monthly rent of Rs.10,000/- and Rs.500/- as amenities charges excluding electricity charges, he has also entered into a rental agreement with the landlord on 21.5.2016 in respect of the second floor of the premises for payment of a monthly rent of Rs.8,000/- and Rs.500/- as amenities charges excluding electricity charges. As some persons with vested interest gave an anonymous letter about the petitioner's shop, the second and third respondents have issued a notice under Sections 287 & 288 of the Chennai City Municipal Corporation Act on 15.7.2016 demanding the petitioner to avail the licence for the shop within seven days from the date of receipt of the notice and indicating therein that on such failure, steps would be taken under Section 379-A of the Chennai City Municipal Corporation Act. But on 29.11.2016, the second and third respondents have sealed his shop, as a result the petitioner is not able to run the shop and the raw materials and finished goods of third parties are lying in his shop. However, as the petitioner is an illiterate and was unaware of the procedure to obtain licence from the second respondent for his shop, he has applied for licence on 9.12.2016 to the second respondent by paying a licence fee of Rs.9,320/- and Rs.9,520/- separately by demand drafts along with the no objection certificate issued by the landlord. Since the said application has not been considered, the petitioner has come to this Court.

3. This Court, keeping in mind that the petitioner has already submitted his application for grant of licence along with the no objection certificate from the landlord and also paid the requisite fee by demand drafts, directs the respondents to consider the application of the petitioner dated 9.12.2016 and if the application seeking licence is in order, the respondents are directed to de-seal the shop of the petitioner within a week from the date of receipt of a copy of this order.

The writ petition is disposed of accordingly. Consequently,  
W.M.P.No.37746 of 2016 is closed. No costs.

Sd/-  
Assistant Registrar(AS)

//True Copy//

Sub Assistant Registrar

To

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+1cc to Mr.K.Bommuraj, Advocate, S.R.No.74574

RU(CO)  
SK(/12/2016)

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