

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.12.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Writ Petition No.44332 of 2016

A.B.Dawood Khan

.. Petitioner

Versus

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

2.The Regional Deputy Commissioner (North),
Corporation of Chennai,
61, Basin Bridge Road,
Chennai-600 021.

3.The Assistant Commissioner &
The Zonal Officer, Zone-5,
Revenue Department,
Corporation of Chennai,
61, Basin Bridge Road,
Chennai-600 021.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the officers attached to the respondents to remove the seal put by them over the lock of the petitioner's shop and allow the petitioner to run the business.

For Petitioner : Mr.M.Abdul Nazeer

For Respondents: Mr.K.Soundararajan
Standing Counsel for Corporation

O R D E R

The petitioner has come to this Court seeking a direction to the officers attached to the respondents to remove the seal put by them over the lock of his shop and allow him to run the business.

2.The grievance of the petitioner is that he was running a shop at No.6 & 6A Gandhi Irwin Road, Hotel Imperial Complex, Egmore, Chennai-600 008 under the name and style "Classic and Cabs and Gifts". On 19.10.2016, the Revenue Officers and Property Tax Collecting Officers attached to Zone-5, Corporation of Chennai has locked and sealed his shop and they have also affixed a notice on the shutter mentioning that trade licence has not been obtained. Subsequently, the petitioner has given his representation to the respondents on 14.12.2016 requesting them to remove the seal and allow the shop to be opened and also to permit him to run the shop by taking trade licence.

3.When the petitioner has not obtained Trade Licence, it is open to the Revenue Officers and Property Tax Collecting Officers attached to Zone-5 , Corporation of Chennai to take appropriate action. Accordingly, action has been taken to lock and seal the shop. The contentions raised by the petitioner that steps are taken to move application to get appropriate remedy, would clearly show that the petitioner has un-authorisedly run the shop and therefore, this Court is not inclined to entertain this Writ Petition.

4.Learned counsel for the petitioner would submit that as the shop has been sealed by the respondents without giving time to take all his belongings from his shop, two days time may be given to him to remove the goods and thereafter, the shop may be re-sealed by the respondents.

5.Considering the submission made by the learned counsel for the petitioner, the respondents are directed to open the petitioner's shop for two days namely 27.12.2016 and 28.12.2016 to enable the petitioner to take back / remove all his belongings from the shop.

6.Accordingly, this writ petition fails and the same is dismissed. No costs. Consequently, connected M.P. is also dismissed.

7.It is open to the petitioner to move appropriate application.

8.If any application is submitted by the petitioner, the same can be entertained, if it is otherwise in order.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1.The District Collector,
Thiruvallur District,
Thiruvallur.

2.The Tahsildar,
Poonamallee Taluk,
Poonamallee.

3.The Block Development Officer,
Poonamallee Taluk, Poonamallee.

+1cc to Mr.M.Abdul Nazeer, Advocate sr.76221
+1cc to Mr.K.Soundararaj, Advocate Sr.76220

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srg 26/12/2016



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