

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 04.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.5382 of 2016 &
WMP No.4692 of 2016

J.Devan

[PETITIONER]

Vs

1 The Assistant Revenue Officer
Corporation of Chennai-Zone 13
115 Dr. Muthulakshmi Road ,
Adyar, Chennai-600 020.

2 The Assistant Health Officer
Corporation of Chennai-Zone 13
115 Dr.Muthulakshmi Road
Adyar, Chennai-600 020.

3 A.Sadhik Ali

[RESPONDENTS]

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, to forbear the respondents 1 and 2 from renewing the licence in favour of the 3rd respondent by considering the petitioner's representation dated 19.01.2016 submitted to them.

For Petitioner : Mr.R.Chellappa

For Respondents: Mr.P.V.Selvakumar - R1 & R2
Mr.S.Parthasarathy - R3

O R D E R

Heard Mr.R.Chellappa, learned Counsel appearing for the petitioner, Mr.P.V.Selvakumar, learned Standing Counsel accepting notice for the respondents 1 & 2 and Mr.S.Parthasarathy, learned counsel accepting notice for the third respondent. With the consent of the learned counsel on either side, the Writ Petition is taken up for final disposal.

2.The petitioner is the owner of the premises, in which the third respondent is running a Coffee/Tea Shop. Complaining that the said Shop is in a very unhygienic condition, the petitioner has given representation to the respondents 1 & 2 not to renew the licence granted to the third respondent.

3. Photographs produced in the typed set of papers shows that virtually the entire cooking activities and washing vessels is on the road margin. However, this observation is made only on seeing the photographs and it is only a prima facie observation and this has got no bearing on the ongoing landlord/tenant dispute between the petitioner and the third respondent. Dehors pendency of such litigation, it has to be ensured that Coffee/Tea Shop is maintained in a hygienic manner.

4. It appears that though the petitioner raised objections, the respondents 1 & 2 have mechanically renewed the licence. The Tea Shop/Tiffin Centre is situated in a busy through-fair and it is not known as to why the officials of the Corporation have not even inspected the said Tea Shop before renewing the licence.

5. In the light of the above facts, there will be a direction to the second respondent to conduct a surprise inspection on the third respondent Shop, within a period of two weeks from the date of receipt of a copy of this order and if the Shop is not maintained in a proper manner, then appropriate action shall be initiated against the third respondent in accordance with law.

The Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Asst. Registrar (AS)

/true copy/

Sub Asst. Registrar

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To

1 The Assistant Revenue Officer
Corporation of Chennai-Zone 13
115 Dr. Muthulakshmi Road ,
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2 The Assistant Health Officer
Corporation of Chennai-Zone 13
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1 cc to Mr. P.V. Selvakumar, Advocate, Sr. 21328

+ 1 cc to Mr. R. Chellappa, Advocate Sr 4906 (22/4/16)

W.P.No. 5382 of 2016

SAI (CO)

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