

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 23.3.2016.

CORAM

THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.7484 of 2016

K.Sathish Kumar

.. Petitioner

vs.

1 The Commissioner
Corporation of Chennai
Rippon Building
Park Town Chennai-600 003

2 License Inspector
Zone VII
Corporation of Chennai Chennai

3 S.Kalyana Sundaram

4 K.Usharani .. Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the Respondents 1 and 2 to forthwith issue Trade Licence to the Petitioner, for which the petitioner has paid up the Licence Fee of Rs. 3,000/- vide receipt No. N/--/15016 Dn.No.90, dated 24.07.2015 to enable and facilitate the petitioner to establish and carry on Hotel/Restaurant/Catering business under the name and style of Hotel Chola Chettinad & Abhi Catering Service at the tenanted premises being the Ground Floor shop portion measuring 480 sq.ft. bearing Corporation No.12/2 Welcome Colony Anna Nagar West Extension Chennai-600 101, without insisting upon the renewed Lease/Rental Agreement.

For Petitioner : Mr.B.Harikrishnan

For RR1 and 2 : Mr.P.V.Selvakumar

For RR3 and 4 : Mr.Ravichandran

ORDER

In the light of the serious dispute between the landlord and the petitioner/tenant, the petitioner's trade licence to run a

hotel in the rented premises, which is owned by the fourth respondent, has been kept pending.

2. The petitioner would contend that as per rental agreement, the agreement which was entered between the parties on 12.12.2014, the fourth respondent agreed to all the conditions and also agreed that the petitioner can approach the authority for requisite permission, licence, etc., and therefore, the fourth respondent cannot object to the petitioner's application for grant of licence.

3. However, it is seen that the rental agreement was only for a period of one year and not said to have been renewed and in the meantime, litigation started between the petitioner and the fourth respondent and the petitioner filed a suit against the fourth respondent in O.S.No.3542 of 2015 on the file of the Assistant City Civil Judge, Chennai praying for a decree for permanent injunction. The suit is pending and it appears that there is no interim order. In the meantime, the fourth respondent has lodged a criminal complaint before the Inspector of Police, V5 Police Station, Anna Nagar and the petitioner filed Criminal Original Petition No.22806 of 2015 for grant of anticipatory bail and the court, by order dated 22.9.2015, has granted anticipatory bail, subject to certain conditions. The fourth respondent in turn has filed a Miscellaneous petition in Crime No.555 of 2015 under section 437(5) of the Code of Criminal Procedure for cancellation of the bail which has been granted. Several other grounds have been raised that apart from the above facts, in the counter affidavit filed by the respondents. The petitioner has filed a petition under section 8(5) of the Tamil Nadu Buildings (Lease and Rent Control) Act for depositing the rent, in R.C.O.P.No.1357 of 2015. That apart, the petitioner has filed another petition in R.C.O.P.No.52 of 2015 on the file of the District Munsif Court, Ambattur for fixation of fair rent.

4. This court is not able to appreciate the petitioner's approach in filing of petitions before various courts when the property is situate in Anna Nagar. That apart, during the course of arguments, the learned counsel for the fourth respondent has stated that an R.C.O.P. for eviction has been filed and the same is pending.

5. The learned counsel appearing for the Corporation of Chennai has produced a copy of the remarks submitted by the Assistant Health Officer, Zone 7, Corporation of Chennai with regard to the application of trade licence given by the petitioner for the year 2014-2015. In the said report, it has been stated that there is no separate kitchen, no store room, no toilet facility, no water connection, no drainage chambers, no construction of staircase space and there is no drainage

facility, no emergency exit and the trader/petitioner has not furnished fire certificate and medical certificate.

6. In the light of the above facts, this court is unable to issue any direction as sought for by the petitioner. However, it is open to the petitioner to approach the appropriate forum for necessary reliefs. The writ petition is dismissed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

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

2 The License Inspector,
Zone VII,
Corporation of Chennai, Chennai.

+1cc to Mr.Mr.P.V.Selvakumar, Advocate, S.R.No.18512

+1cc to Mr.B.Harikrishnan, Advocate, S.R.No.18556

+1cc to Mr.S.Ravichandran, Advocate sr.18527

W.P.No.7484 of 2016

msm(CO)
srg(11/04/2016)

सत्यमेव जयते

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