

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.03.2016

Coram

The Hon'ble Mr. Justice T.S. Sivagnanam

Writ Petition No.8734 of 2016

and

W.M.P.No.7719 of 2016

Mr.K.Lokanatha Rao

...Petitioner

Vs.

1. The Commissioner,
Corporation of Chennai,
Park Town, Chennai -3.
2. The Zonal Officer,
Zone -10, Corporation of Chennai,
117, NSK Road, Kodambakkam,
Chennai - 24.
3. Mr.Ravichandran,
Assistant Revenue Officer,
Zone -10, Corporation of Chennai,
117, NSK Road, Kodambakkam,
Chennai - 24.
4. The Assistant Commissioner of Police,
R-3 Police Station, Ashok Nagar,
Chennai - 83.

...Respondents

Writ Petition is filed under Article 226 of the Constitution of India, for the issuance of a Writ of Certiorarified Mandamus to quash the impugned order in Ma.A.10.Na.Ka.No.1002, dated 25.07.2014, passed by the second respondent and to direct the second respondent to renew the licence No.10-135-000185/2013-14, dated 18.03.2014, issued for the period 2014-25 and as well as to renew the license for the period 2015-16.

For Petitioner : Mr.R.Vijayaraghavan

For Respondents 1-3 : Mr.P.V.Selvakumar
Standing Counsel

For Respondent-4 : Mr.R.Rajeswaran
Special Government Pleader

O R D E R

Heard the learned counsel appearing for the petitioner, Mr.P.V.Selvakumar, the learned Standing Counsel, who accepts notice for respondents 1 to 3, and Mr.R.Rajeswaran, the learned Special Government Pleader, who accepts notice for the fourth respondent.

2. The petitioner has filed this Writ Petition, challenging the proceedings of the second respondent, dated 25.07.2014, by which, the second respondent has cancelled the petitioner's licence to run the Hotel, which was run under the name and style "Hotel Maha Ganapathy", at Arya Gowder Road, West Mambalam, Chennai, on the ground that the Hotel premises is totally in unhygienic condition, and in spite of a show cause notice issued to the petitioner on 16.07.2014, the petitioner did not submit any reply.

3. The learned counsel appearing for the petitioner submits that all the defects pointed out has been rectified, and the petitioner has given a reply, which has been received by the Office of the second respondent on 24.07.2014. In this regard, a seal affixed by the Office of the second respondent in the reply, dated 23.07.2014, is relied on, a copy of which, has been annexed at Page No.38 of the typed-set of papers filed in connection with this Writ Petition. But, on the very next day, i.e. on 25.07.2014, the impugned order has been passed. If the petitioner has rectified the defects, then, the second respondent shall conduct an inspection to see as to whether the defects have been rectified, and thereafter only, he shall consider for grant of licence.

4. In the light of the above facts, this Court is not inclined to quash the impugned proceedings. Unless and until, the petitioner satisfies all the conditions for running the Hotel, he cannot claim that he should be automatically granted licence, or it should be renewed. Therefore, while rejecting to grant the relief sought for herein, there will be a direction to second and third respondents to conduct inspection of the petitioner's Hotel to specifically see as to whether the defects pointed out has been rectified by the petitioner, and if all the defects have been rectified, then, the application for grant/renewal of licence shall be considered. Inspection shall be conducted within a period of two weeks from the date of receipt of a copy of this order.

5. In the result, the Writ Petition is disposed of on the aforesaid terms. No costs. Consequently, connected Miscellaneous Petition is closed.

sd

Sd/-
Asst.Registrar

/true copy/

To Sub Asst. Registrar

1. The Commissioner,
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3. The Assistant Commissioner of Police,
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Chennai - 83.

+ 1 cc to Mr.R.Vijayaraghavan, Advocate Sr 15037

+ 1 cc to Mr.P.V.Selvakumar, Advocate Sr 15066

KR/10/3/16

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