

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2017

CORAM :

The Hon'ble MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE
AND
The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P.No.4423 of 2017
and
W.M.P.No.4629 of 2017

Thiruvanniyur Bismi Biriyan, rep. by its Partner S.J.Hussain, Having his restaurant at No.37/C, Vikas Plaza, Velachery Main Road, Velachery, Chennai-600 042.

.... Petitioner

-Vs-

1. The Commissioner, Corporation of Chennai, Rippon Building, Chennai-600003.
2. The Zonal Officer, Zonal Office - 13, Greater Corporation of Chennai, 115, Dr.Muthulakshmi Salai, Adayar, Chennai-600020.
3. The Zonal Officer, Zonal Office - 13, Revenue Department, Greater Corporation of Chennai, 115, Dr.Muthulakshmi Salai, Adayar, Chennai-600020.
4. The Additional Commissioner of Police (Traffic), Greater Chennai Police, Vepery, Chennai-600 007.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus, to call for the records of the third respondent notice dated 16.2.2017 issued under Section 379(A) of the Chennai City Municipal Corporation Act, 1919, quash the same and consequently

directing the respondents to dispose the petitioner's Trade License application dated 18.02.2017 within a time limit fixed by this Hon'ble Court.

For Petitioner : Mr.A.Jenasenan

For Respondents : Mr.V.C.Selvasekaran for R1 to R3

Mr.M.K.Subramanian
Government Pleader for R4

ORDER

(Order of the Court was made by The Hon'ble Acting Chief Justice)
Mr.V.C.Selvasekaran, learned counsel takes notice for respondent Nos.1 to 3 and Mr.M.K.Subramanian, learned Government Pleader takes notice for the fourth respondent.

2. Heard the learned counsel for parties.

3. The petitioner has filed this writ petition seeking to quash the notice dated 16.2.2017 issued by the third respondent under Section 379(A) of the Chennai City Municipal Corporation Act, 1919 and consequently to direct the respondents to dispose the petitioner's Trade License application.

4. The petitioner hotel applied for issuance of trade license and the same was refused, as there was no sufficient parking space and NOC was not recommended from the traffic point of view. The petitioner entered into a rental agreement with the land owner for providing parking space. The third respondent now issued the impugned notice directing the petitioner to stop the trade. The petitioner submitted a new trade license application along with the rental agreement in respect of parking space to the respondent authorities.

5. During the course of arguments, the learned counsel for the petitioner has pointed out that in W.P.No.3074 of 2017 this Court vide order dated 08.2.2017 issued direction to the Corporation that if the application of the petitioner therein otherwise finds in order, then the same may be forwarded to the Additional Commissioner of Police (Traffic), who would in turn give the report to the Corporation. The learned counsel for the petitioner thus submits that the same order may be passed in this writ petition also.

6. Considering the facts and circumstances of the case, we direct that in case the first respondent finds the trade license application of the petitioner otherwise in order and the only

impediment is lack of parking space, then it may forward the case to the fourth respondent within one week of the receipt of the order for due verification, who would in turn give the report to the Corporation within fifteen days thereafter.

7. We make it clear that we are not commenting on the merits of the application of the petitioner in any manner whatsoever.

8. The writ petition is disposed of accordingly. No costs. Consequently, W.M.P.No.4629 of 2017 is closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai-600 003.
2. The Zonal Officer,
Zonal Office - 13,
Greater Corporation of Chennai,
115, Dr.Muthulakshmi Salai,
Adayar, Chennai-600 020.
3. The Zonal Officer,
Zonal Office - 13,
Revenue Department,
Greater Corporation of Chennai,
115, Dr.Muthulakshmi Salai,
Adayar, Chennai-600 020.
4. The Additional Commissioner of Police (Traffic),
Greater Chennai Police,
Vepery, Chennai-600 007.

+1cc to Mr.A.Jenasenan, Advocate, S.R.No.11718

+1cc to the Government Pleader, S.R.No.11410

W.P.No.4423 of 2017

UG(CO)
CA(28/02/2017)