

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2017

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.No.4429 of 2017
& WMP No.4642 of 2017

M/s Aasife Biriyani Pvt. Ltd.,
Rep. by its Managing Director
C.y.Aasife Ahmed,
S/o Late yejaz Ahmed,
Having office at No.14,
Railway Station Road,
St. Thomas Road, Alandur,
Chennai-600 016.

..... Petitioner

Vs.

1.The Revenue Officer,
Corporation of Chennai,
Zonal Office 13,
No.115, Dr.Muthulakshmi Salai,
Adyar, Chennai-600 020.

2.The Additional Commissioner of Police
(Traffic), Greater Chennai,
Vepery, Chennai-600 007.

... Respondents

Writ petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the record on the file of the 2nd respondent in Rc.No.Tr./Licence/879/16485/2016, dated 11.1.2017 and Notice in Proceedings No.Ma.Aa.13.Va.Thu.Na.Ka.No.R6/2166/16, dated 16.2.2017 and the consequent Notice under section 379(a) of CMC Act IV of 1919 passed by the 1st respondent, quash the same and further direct the respondents to issue the trade licence by conducting proper enquiry to the petitioners restaurant Act Hotel Aasife Biriyani Pvt.Ltd at No.22/A Plot No.1 100 Feet Bye-Pass Road Velacherry Chennai-600 042.

For Petitioner : Mrs. Bhavani Subbarayan for
Mr.K.V.Sajeev Kumar

For Respondents : Mr.P.V.Selvakumar for R1

Mr.S.Diwakar,
Special Government Pleader for R2

ORDER

This writ petition is filed challenging the communication of the second respondent to the first respondent dated 11.01.2017 stating that "No Objection Certificate" sought for by the petitioner to run a restaurant was not recommended for want of sufficient parking space.

2. When the matter is taken up for hearing, the learned counsel appearing for the petitioner produced the remarks of the second respondent dated 27.02.2017 indicating that the "No Objection Certificate" has not been recommended earlier only on the traffic point of view and now, in view of the valet parking agreement provided by the petitioner for the purpose of parking the vehicles of its customers, "No Objection Certificate" may be recommended.

3. In such view of the matter, the relief sought for in the writ petition is no longer survives. Accordingly, the second respondent is directed to send "No Objection Certificate" as indicated in the decision taken on 27.02.2017 to the first respondent, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the first respondent is directed to consider the request of the petitioner seeking trade licence for running a hotel and pass appropriate orders within a period of two weeks thereafter.

4. The writ petition is ordered accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

To

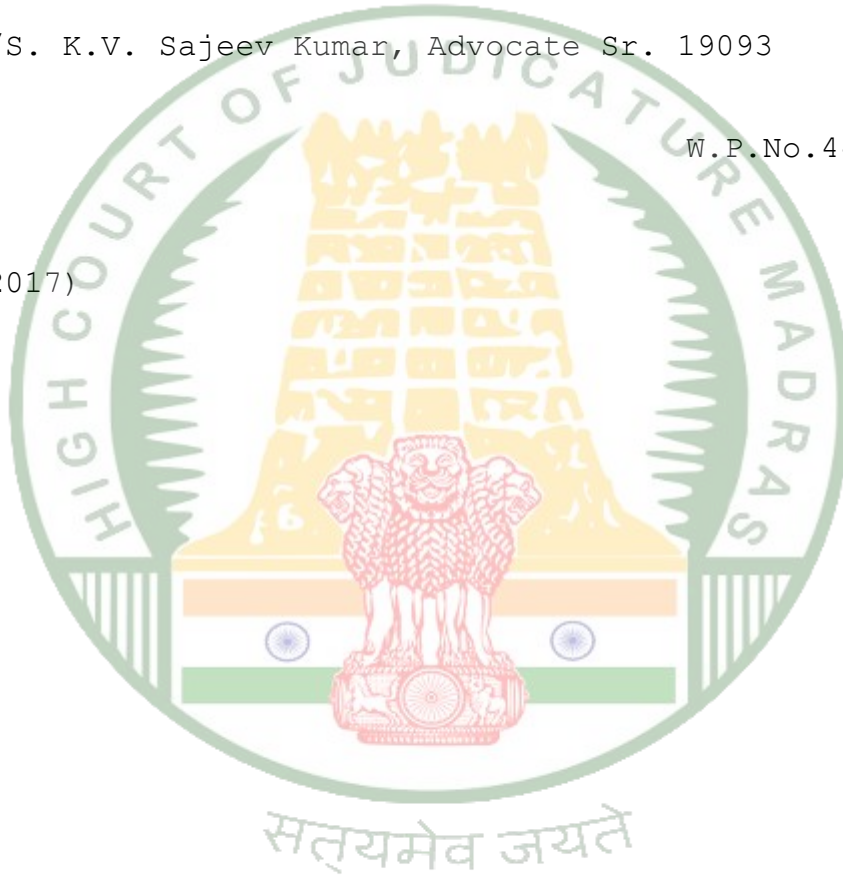
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+1cc to M/S. K.V. Sajeew Kumar, Advocate Sr. 19093

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NR(CO)
VR(03/04/2017)



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