

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2017

CORAM

THE HON'BLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE
AND

THE HON'BLE MR. JUSTICE RMT. TEEKAA RAMAN

W.A.No.289 of 2017

T.K.Asraf ... Appellant/Petitioner
Vs

- 1 The Commissioner
Corporation of Chennai
Ripon Building
Chennai-600003.
- 2 The Assistant Engineer
Zone VI, Corporation of Chennai
Chennai - 5. ... Respondents/Respondents

PRAYER: Appeal filed under Clause 15 of the Letters Patent against the order of the learned Single Judge dated 1.12.2016 made in W.P.No.18035 of 2010.

Prayer in W.P.No.18035/2010:

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus, directing the respondents to pay a sum of Rs.25 00 000/- towards compensation for the loss occurred on account of the illegal act of demolishing the structure at Door No.823/A Anna Salai, Chennai-2 and further restore the possession to the petitioner

For Appellant : Mr.V.Raghavachari

For Respondents : Mr.R.Arunmozhi

JUDGMENT

(Delivered by the Acting Chief Justice)

The unsuccessful petitioner has filed this appeal challenging the order passed by the learned Single Judge on 1.12.2016 in W.P.No.18035 of 2010.

2. It is the case of the appellant that his father was granted license to run "Classic Sweet and Tea Stall". After the death of his father, the appellant's mother carried on the business. The appellant approached the respondent authorities seeking transfer of license in the name of his mother, but the respondents did not pass any orders. On the death of appellant's mother, the respondent authorities demolished the shop premises. Assailing the same, the appellant filed writ petition seeking compensation of Rs.25 Lakhs from the respondent authorities and for restoration of the possession of the appellant.

3. The learned Single Judge, by order dated 1.12.2016, which is under challenge, while observing that the legal heir certificate produced by the appellant was doubtful, upheld the action initiated by the respondent authorities in demolishing the building and dismissed the writ petition.

4. The learned counsel for the appellant restricts the relief to the extent that the appellant may be granted liberty to furnish the legal heir certificate to the respondent authorities and the respondent authorities may be directed to consider the same and grant license to the appellant.

5. Considering the narrow scope of the relief now sought for, without going into the merits of the order passed by the learned Single Judge, we direct the appellant to submit a proper legal heir certificate to the respondent authorities within two weeks from the date of receipt of a copy of this order and thereafter, the respondent authorities shall consider the case of the appellant for renewal of license and pass appropriate orders, if it is otherwise found to be in order.

The appeal is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

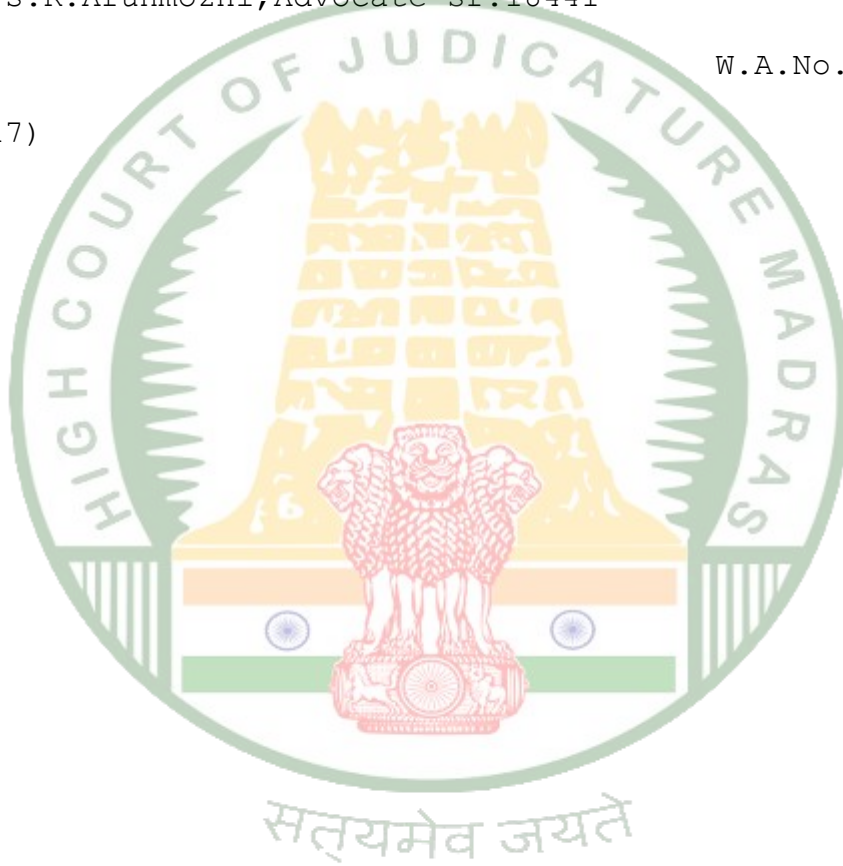
sasi

To:

- 1 The Commissioner
Corporation of Chennai
Ripon Building
Chennai-600003.
 - 2 The Assistant Engineer
Zone VI, Corporation of Chennai
Chennai - 5.
- +1cc to Mr.V.Raghavachari, Advocate sr.18150
- +1cc to M/s.R.Arunmozhi, Advocate sr.18441

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ss (5/4/2017)



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