

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.33012 of 2017
and
W.M.P.No.36375 of 2017

A.Sampath Kumar

.. Petitioner

Vs.

1. The Tahsildar,
Egmore-Nungambakkam,
Chennai-3.

2. The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai-600 003.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the second respondent to consider and pass orders on the representation, dated 08.12.2017 for grant of Trade Licence for the petitioner's petty shop located at Mchnicols Lane, Chetpet, Chennai-3 on merits and as per law within a time as stipulated by this Court.

For Petitioner : Ms.N.R.Jasmine Padma

For Respondents : Mr.S.Diwakar, Spl.G.P. for R-1
Mr.T.C.Gopalakrishnan for R-2

ORDER

The petitioner has come forward with this Writ Petition praying for issuance of a Writ of Mandamus to direct the second respondent to consider and pass orders on the representation, dated 08.12.2017 for grant of Trade Licence for the petitioner's petty shop located at Mchnicols Lane, Chetpet, Chennai-3 on merits and as per law within a time as stipulated by this Court.

2. It is the case of the petitioner that on application to

the Commissioner for Adi Dravidar Welfare Department towards grant of lease/allotment to run a petty shop, he was allotted a piece of land measuring an extent of 0048 Sq.Ft. in R.S.No.365, located at Mchnicols Lane, Chetpet, Chennai-3, classified as Road Poramboke, vide proceedings of the first respondent, dated 11.10.2004 with certain conditions. The petitioner is running the petty shop as on date and had been remitting the rent as prescribed without default till date. The petitioner is eking out his livelihood on the income derived from the said petty shop. He has also obtained Certificate of Registration under Food Safety and Standards Act, which is valid upto May 2018. Since the second respondent interfered with the possession of the petitioner in respect of the said petty shop, the petitioner sent a representation, dated 08.12.2017 to the second respondent seeking trade certificate and till then, not to disturb the petitioner's possession of the said petty shop. Since the said representation is not yet considered, the petitioner has filed this Writ Petition for the relief stated supra.

3. Heard both sides and perused the materials available on record.

4. Considering the limited scope of the prayer made in this Writ Petition, taking into consideration the facts and circumstances of the case, this Court, without going into the merits of the case, directs the second respondent to dispose of the said representation, dated 08.12.2017, if the same is still pending and pass appropriate orders in accordance with law, within a period of one month from the date of receipt of a copy of this order, after hearing the petitioner and other persons who are likely to be affected. If the said representation is already disposed of, a copy of the order passed in the said representation, shall be furnished to the petitioner.

5. With the above observations and directions, the Writ Petition is disposed of. No costs. Consequently, W.M.P. is closed.

Sd/-

Assistant Registrar(J)

//True copy//

Sub Assistant Registrar

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To

1. The Tahsildar,
Egmore-Nungambakkam, Chennai-3.
2. The Commissioner, Greater Chennai Corporation,
Ripon Building,
Chennai-600 003.

+lcc to Mr.L.Chandra Kumar, Advocate SR.No.91191
+lcc to Mr.T.C.Gopalakrshnan, Advocate SR.No.92277
+lcc to Government Pleader SR.No.91986

W.P.No.33012 of 2017

GN(25/01/2018)



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