

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2017

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.23498 of 2017

and

W.M.P.Nos.24655 & 24656 of 2017

K.P.M.Nagoor Moideen
Proprietor,
M/s.Bismi Cool Bar,
No.58, Mannady Street,
Chennai - 600 001.

... Petitioner

-Vs-

1. The Commissioner
Chennai City Municipal Corporation
Rippon Building
Chennai - 600 003.

2. The Zonal Officer-V
Revenue Department (Trade License)
Chennai City Municipal Corporation
Basin Bridge
Chennai - 600 001.

3. Mr.ShaiAbdul Khadar
No.58, Mannady Street
Chennai - 600 001.

...Respondents

सत्यमेव जयते

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records in DN60 dated 17.08.2017 issued by the 2nd respondent, quash the same and consequently, direct the respondents to remove the seal on the premises at Bismi Cool Bar, No.58, Mannady Street, Chennai - 600 001.

For Petitioner : Mr.D.Geetha

For Respondents: Mr.P.V.Selvakumar, A.G.P.,

O R D E R

The petitioner has come up with the present writ petition seeking issuance of a Writ of Certiorarified Mandamus to call for the records in DN60 dated 17.08.2017 issued by the 2nd respondent, quash the same and consequently, direct the respondents to remove the seal on the premises at Bismi Cool Bar, No.58, Mannady Street, Chennai - 600 001.

2.The petitioner is running a small shop selling cool drinks in premises at No.58, Mannady Street, Chennai. While so, the 2nd respondent has issued a notice dated 04.07.2017 calling upon the petitioner to obtain a license to run the shop as mandated under Section 287 of the Chennai City Municipal Corporation Act, 1919. Though the petitioner had applied for license, the same was rejected on the ground that the owner of the building in which the petitioner's shop was located had not paid the property tax due to the respondents. When that being so, the 2nd respondent issued the notice dated 17.08.2017 and sealed the shop in which the petitioner was running his business. Therefore, the petitioner has come before this Court seeking the relief set out earlier.

3.Heard Mrs.D.Geetha, learned counsel appearing on behalf of the petitioner and Mr.P.V.Selvakumar, learned Additional Government Pleader who took notice on behalf of the respondent.

4.Though Mr.P.V.Selvakumar, learned Additional Government Pleader would submit that the owner of the property has not paid the property tax and the petitioner's shop is being run without license, the property tax cannot be levied upon the poor vendor who is running a small petty shop. At the same time, the petitioner cannot run the shop without getting license.

5.Considering the facts and circumstances of the case, the impugned order dated 17.08.2017 is liable to be quashed and accordingly quashed. Further, the petitioner is directed to submit an appropriate application seeking license before the second respondent and on receipt of such application, the second respondent is directed to consider the same and pass appropriate orders within a period of two weeks from the date of submission of such application. In the meantime, the respondents are directed to remove the seal on the premises.

6.The writ petition is allowed. Consequently, connected miscellaneous petition are closed. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

pgp

To

1. The Commissioner
Chennai City Municipal Corporation
Rippon Building
Chennai - 600 003.
2. The Zonal Officer-V
Revenue Department (Trade License)
Chennai City Municipal Corporation
Basin Bridge
Chennai - 600 001.

+1cc to Mr.D.Geetha , Advocate, S.R.No.62567

+1cc to Mr.P.V.Selvakumar, Advocate, S.R.No.62780

W.P.No.23498 of 2017

PPA (CO)
CS/28/09/17

सत्यमेव जयते

WEB COPY