

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.09.2017

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THE HONOURABLE MR. JUSTICE M.DURAI SWAMY

WP.No.25060 of 2017

Shankari Kumaran

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Petitioner

Versus

1.The Corporation of Chennai,
Rep.by its Commissioner,
Park Town,
Chennai 600 003.

2.The Zonal Officer,
Zonal-11,
Greater Chennai Corporation,
123, Arcot Salai,
Valasaravakkam,
Chennai 600 087.

3.Jaleel Haleem

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Respondents

Prayer: Petition filed under Article 226 of The Constitution of India, praying for the issuance of Writ of Mandamus directing the 2nd respondent to consider and pass orders on the application dated 20.03.2017 submitted by the petitioner for the grant of 'trade license'.

For Petitioner : Mr.Yogesh Kannadasan
For Respondents : Mr.T.C.Gopalakrishnan,
Standing Counsel (Corporation)

ORDER

The petitioner has filed the above writ petition to issue a writ of Mandamus, directing the 2nd respondents to consider and pass orders on the application dated 20.03.2017 submitted by her for the grant of 'trade license'.

2. It is the case of the petitioner that she is the Proprietrix of the 'Tulip Beauty Point, (SPA) Ladies & Kids' and carrying on business for the past 17 years from the year 2001. The present owner, who is the 3rd respondent, has filed the Rent Controller Original Petition in RCOP No.36 of 2009 on the file of Principal District Munsif-cum-Rent Controller, Poonamallee and the same was dismissed by the Rent Controller on 23.04.2012. Subsequently, the petitioner applied for trade license to the 2nd respondent. The 2nd respondent send a letter dated 04.04.2017, calling

upon the petitioner to produce the rental agreement, property tax receipts and no objection certificate, issued by the 3rd respondent/landlord. The petitioner has filed the present writ petition to direct the 2nd respondent to issue a trade license, based on the application dated 20.03.2017. When the 3rd respondent has filed the RCOP against the petitioner, one cannot accept the 3rd respondent/landlord to furnish the property tax receipts and the no objection certificate to the petitioner for obtaining trade license, so far as the landlord agreement concern.

3. Mr.Yogesh Kannadasan, learned counsel appearing for the petitioner submitted that the rental agreement is with the erstwhile landlord and the 3rd respondent has not executed any rental agreement in favour of the petitioner.

4. Since, the 3rd respondent himself has filed RCOP against the petitioner, there may not be any dispute with regard to the landlord-tenant relationship.

5. In these circumstances, on production of the copy of the order passed in RCOP No.36 of 2009, dated 23.04.2017, I direct the 2nd

respondent to process the petitioner's application for trade license and issue the same, if it is otherwise in order within a period of ten days from the date of receipt of a copy of this order.

With this observation, the Writ Petition is disposed of. No costs.

20.09.2017

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To

1.The Commissioner,
Corporation of Chennai,
Park Town,
Chennai 600 003.

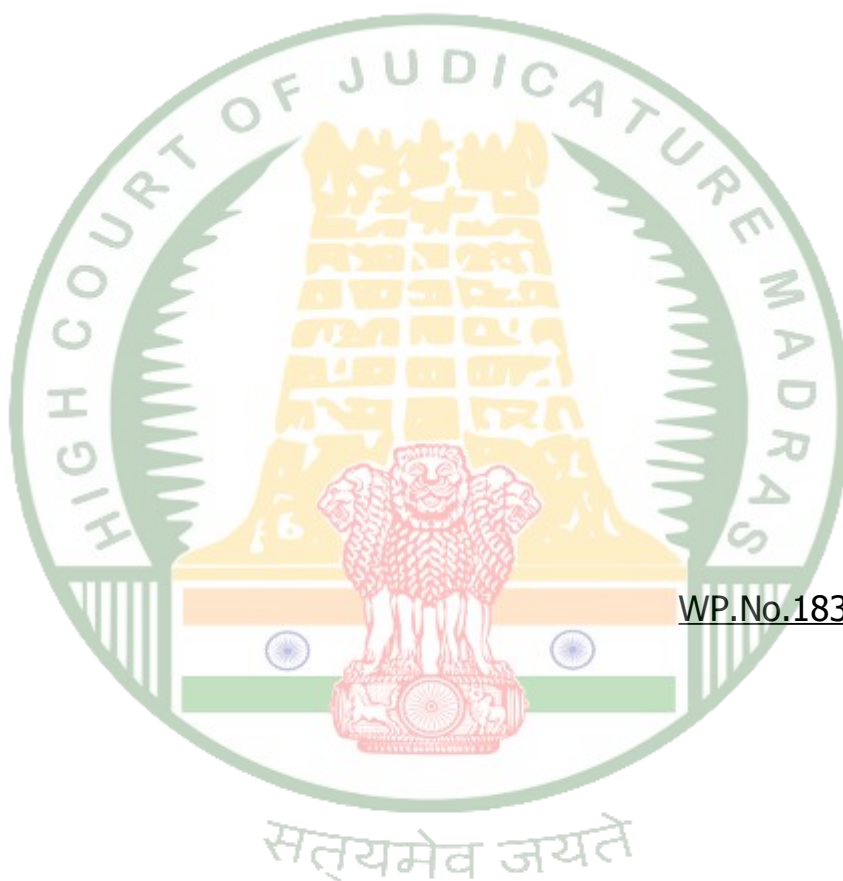
2.The Zonal Officer,
Zonal-11,
Greater Chennai Corporation,
123, Arcot Salai,
Valasaravakkam,
Chennai 600 087.



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M.DURAI SWAMY,J.

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WP.No.18360 of 2017

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