

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED : 16.08.2017****CORAM****THE HONOURABLE MR.JUSTICE M.DHANDAPANI****W.P.No.39107 of 2004****And****W.P.M.P.No.46632 of 2004**

M.Govindaraj

... Petitioner

Vs.

1.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai – 600 003.

2.The Assistant Revenue Officer,
Revenue Department,
Corporation of Chennai,
Rippon Buildings,
Chennai – 600 003.

3.H.Suraj Bai

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the circular dated 19.08.2003 and made in R.D.L.B.C.No.373/2003 issued by the 1st respondent and quash the same and consequently quash the order dated 14.12.2004 and made in R.D.C.No.LB/73336/2004 issued by the second respondent and further to direct the second respondent to grant licence for running eating house at Old No.2, New No.5, Sadasivam Salai, T.Nagar, Chennai – 17 without insisting condition Nos.1 to 4 laid down in the order of the 2nd respondent dated

14.12.2004 and made in R.D.C.No.LB/73336/2004.

For Petitioner : No Appearance
For Respondents : Mr.V.C.Selvasekaran for R1 and R2
No Appearance for R3

ORDER

The petitioner has filed this writ petition seeking issuance of Certiorarified Mandamus to call for the records of the circular dated 19.08.2003 and made in R.D.L.B.C.No.373/2003 issued by the first respondent and quash the same and consequently quash the order dated 14.12.2004 and made in R.D.C.No.LB/73336/2004 issued by the second respondent and further to direct the second respondent to grant licence for running eating house at Old No.2, New No.5, Sadasivam Salai, T.Nagar, Chennai – 17 without insisting condition Nos.1 to 4 laid down in the order of the second respondent dated 14.12.2004 and made in R.D.C.No.LB/73336/2004.

2. There is no representation for the petitioner as well as for the third respondent. Heard the learned Standing Counsel appearing for the respondents 1 and 2.

3. The petitioner has been running a tea stall at Old No.2, New No.5, Sadasivam Road, T.Nagar, Chennai. After following the due

procedure, the petitioner was granted licence and the same was periodically renewed every year upto 31.03.2005. Since there was a dispute between the third respondent/ landlord and the petitioner, the third respondent filed R.C.O.P.No.1143 of 2004 for fixation of fair rent and R.C.O.P.No.1144 of 2004 for eviction. The petitioner had applied for licence for doing eating house and paid the requisite fee. The second respondent vide proceedings dated 05.11.2004 returned the application for licence on the ground that the petitioner did not submit the No Objection Certificate. Since there was civil dispute pending between the petitioner and the third respondent, the petitioner was not able to get No Objection Certificate from the third respondent. Hence, the petitioner filed writ petition in W.P.No.33255 of 2004 and this Court vide order dated 22.11.2004, directed the respondent therein to consider the petitioner's representation and to pass appropriate orders within a period of four weeks. Accordingly, the petitioner made representation dated 23.11.2004 to the second respondent and the second respondent without considering the same, rejected the application for licence vide order dated 14.12.2004 on the same ground that No Objection Certificate obtained from the landlord has not been submitted. Challenging the said order, the petitioner has come forward with this writ petition.

4.The learned Standing Counsel appearing for the respondents 1 and 2 produced a copy of the report from the Assistant Revenue Officer, Zonal Office – 9, dated 16.08.2017, stating that on inspection it is found that the writ petitioner is not running any shop in the suit premises. Hence, the issue of licence will not arise.

5.Recording the same, this writ petition is closed as nothing survives for adjudication in this writ petition. No costs. Consequently, the connected miscellaneous petition is also closed.

16.08.2017

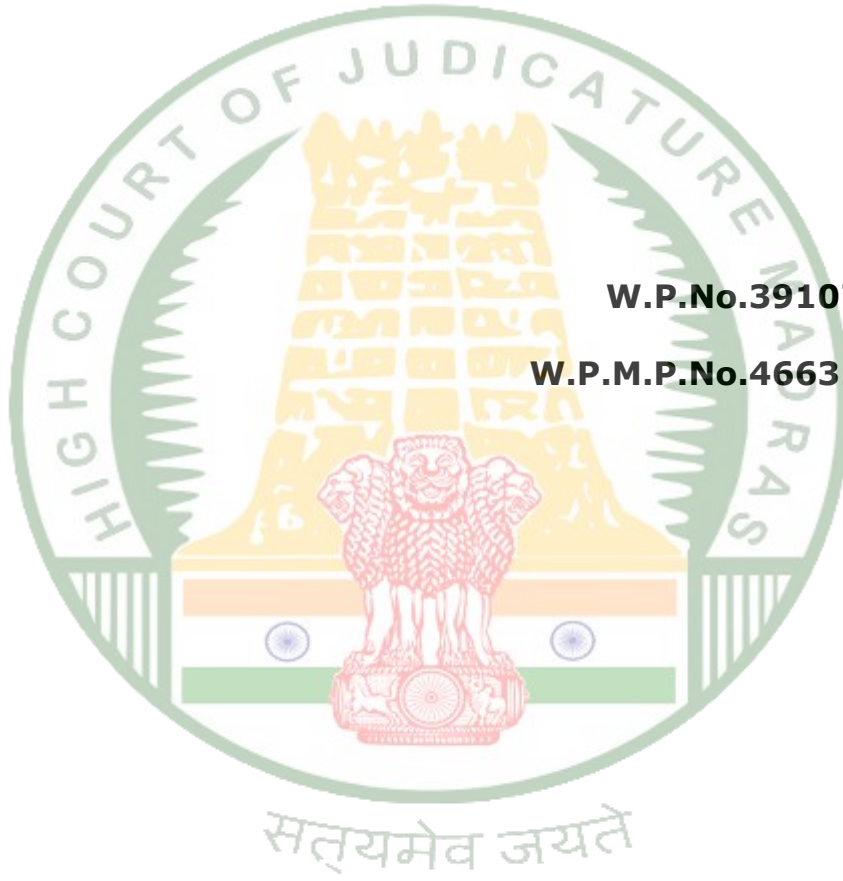
pri
Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

1.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai – 600 003.

2.The Assistant Revenue Officer,
Revenue Department,
Corporation of Chennai,
Rippon Buildings,
Chennai – 600 003.

M.DHANDAPANI,J.



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And
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