

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

WP.Nos.5768 & 9606 of 2017
and WMP.Nos.6166 to 6168, and 10563 of 2017

Gowshinisha ...Petitioner in W.P.No.5768 of 2017
Noorjahan ...Petitioner in W.P.No.9606 of 2017

Vs.

1. The Corporation of Chennai,
Rep. by Commissioner,
Ripon Building, Chennai.
2. The Assistant Revenue Officer,
Zone IX, Corporation of Chennai,
Ripon Building, Chennai.
3. Noorjehan ...Respondents in W.P.No.5768 of 2017
1. The Revenue Officer,
Corporation of Chennai,
Rippon Building,
Chennai - 600 003.
2. Ghouse Unissa ...Respondents in W.P.No.9606 of 2017

PRAYER in W.P.No.5768 of 2017: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records of the 2nd respondent dated 23.02.2017 and quash the same and consequently direct the respondents 1 & 2 to renew the license for running a fast food at premises bearing Door No.13/6, J.J.Khan Road, Chennai 14.

PRAYER in W.P.No.9606 of 2017: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the 1st respondent to consider the representation dated 24.11.2016 which was acknowledged on 30.11.2016 to cancel the license issued to the 2nd respondent.

For Petitioner
(in W.P.No.5768 of 2017)

:Mr.N.A.Nissar Ahmed

For Petitioner
(in W.P.No.9606 of 2017)

:Mr.R.Balasubramanian

For Respondents
(in W.P.No.5768 of 2017)

:Mr.V.C.Selvasekaran, for RR1 & 2
Mr.R.Balasubramanian, for R3

For Respondents
(in W.P.No.9606 of 2017)

:Mr.V.C.Selvasekaran, for R1
Mr.N.A.Nisar Ahmed, for R2

COMMON ORDER

Writ Petition in W.P.No.5768 of 2017 has been filed by the lessee/tenant, challenging the notice issued by the respondent-Corporation dated 23.02.2017, thereby, he was directed to close the business, and for a direction to the respondent-Corporation to renew the licence of the petitioner.

2. Writ Petition in W.P.No.9606 of 2017 has been filed by the land lady of the premises seeking direction to the first respondent to cancel the licence issued to the second respondent/tenant on the basis of her representation dated 24.11.2016.

3. According to the land lady, the demised building bearing Door No.6/13, Jani Johan Khan Road, in Royapettah is in a dilapidated condition and she was already granted permission to demolish the building. Except the petitioner in W.P.No.5768 of 2017, other tenants have already vacated the premises and in the last Varadha Cyclone, a portion of the building was collapsed. Hence, she requested the tenant to vacate the premises, but he sought time till first week of February. Despite the same, he is now carrying on business and hence she submitted an application to cancel the licence.

4. The further case of the petitioner is that the tenant has not paid rent for the past six months and the amount is now accumulated to Rs.60,000/-.

5. The learned counsel for the tenant submitted that the tenant is running the business in the said premises and his application for renewal of licence is pending since 28.02.2017

and in the meanwhile, the second respondent in W.P.No.5768 of 2017, issued the impugned notice. It is further submitted that tenant is paying the rent regularly, however, if there are any arrears, he is ready to pay the same within a period of one week from the date of receipt of a copy of this order.

6. The learned counsel appearing for the petitioners, i.e., land lady and tenant submitted that it would suffice, if a direction is issued to the licensing authority, viz., the Revenue Officer, Corporation of Chennai, to consider the representations in accordance with law.

7. The learned Standing Counsel for the Corporation of Chennai submitted that the licensing authority is ready to consider the representations of the petitioners in accordance with law.

8. Considering the facts of the case and the submissions of the learned counsels on either side, this Court, without going to merits of the case, directs the Assistant Revenue Officer, Zone-IX, Corporation of Chennai to consider the representations / applications of the petitioners and pass appropriate orders on merits and in accordance with law, after providing an opportunity of hearing to the necessary parties, within a period of four weeks from the date of receipt of a copy of this order.

9. With the above direction, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

pvs

To

1. The Commissioner,
The Corporation of Chennai,
Ripon Building, Chennai.

2. The Assistant Revenue Officer,
Zone IX, Corporation of Chennai,
Ripon Building, Chennai.

3. The Revenue Officer,
Corporation of Chennai,
Rippon Building,
Chennai - 600 003.

+1cc to Mr.R.Balasubramanian, Advocate Sr.49002
+2cc to M/S.N.A.Nissar Ahmed, Advocate Sr.48619 & 48624

WP.Nos.5768 & 9606 of 2017

gp[col]
srg 10/08/2018



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