

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.2193 of 2018

S.H.Mohammed Faizullah

...Petitioner

Versus

1.The Zonal Officer,
Zone-IX, Corporation of Chennai,
No.1, Lake Area 4th Street,
Nungambakkam, Chennai - 600 034.

2.Munavar Sheriff

3.Anwar Sheriff

.. Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the first respondent to take action in respect of the business carried by the second and third respondent without obtaining the licence from the first respondent in the premise bearing New No.259, 135/A Avvai Shanmugam Salai, Gopalapuram, Chennai - 600 086.

For Petitioner : Mr.L.Dhamodaran

For Respondents : Mr.T.C.Gopalakrishnan
Standing counsel, for R1

सत्यमेव जयते
O R D E R

This writ petition has been filed seeking for a direction to the first respondent to take action in respect of the business carried on by the respondents 2 and 3, in the premises bearing New No.259, 135/A Avvai Shanmugam Salai, Gopalapuram, Chennai - 600 086.

2. The case of the petitioner is that he along with Mr.S.E.Mohammed Riwanullah and Mrs.Kahkashan Anjum, purchased the property bearing New No.259, 135/A, through a registered sale deed dated 12.6.2013. It is further stated that the respondents 2 and 3, were inducted as tenants by their vendors. Subsequently, they initiated eviction proceedings in

R.C.O.P.No.1856 of 2013, on various grounds and the same was ordered on 24.7.2015.

3. The petitioner further claims that an appeal was preferred by the tenants in R.C.A.No.483 of 2015 was dismissed and orders were also confirmed by the High Court in C.R.P.(NPD). No.3109 of 2017, dated 28.8.2017. It is further stated that the tenants had sought three months time to vacate the premises and also filed an affidavit of undertaking. Thereafter, they preferred a Special Leave Petition in SLP.No.33856 of 2017, before the Hon'ble Supreme Court of India and the same was also dismissed.

4. The learned counsel appearing for the petitioner submitted that the private respondents were insisted to vacate the premises and hand over the same to the petitioner, but still they are running the business without obtaining licence from the first respondent's Corporation, so that the first respondent has to take action against the respondents 2 and 3.

5. Mr.T.C.Gopalakrishnan, learned Standing counsel appearing for the first respondent submitted that if the petitioner gives a representation to the first respondent, they would take action in accordance with law.

6. In the light of the above facts, this Court, without going into the merits of the case, directs the petitioner to give a fresh representation to the first respondent within a period of two weeks by enclosing a copy of this order. On such compliance, the first respondent shall take appropriate action and pass orders, after providing opportunity to all the necessary parties, within a period of six weeks there from.

7. With the above direction, this writ petition is disposed of. However, there shall be no order as to costs.

सत्यमेव जयते
Sd/-

Assistant Registrar(CCC)

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Sub Assistant Registrar

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To

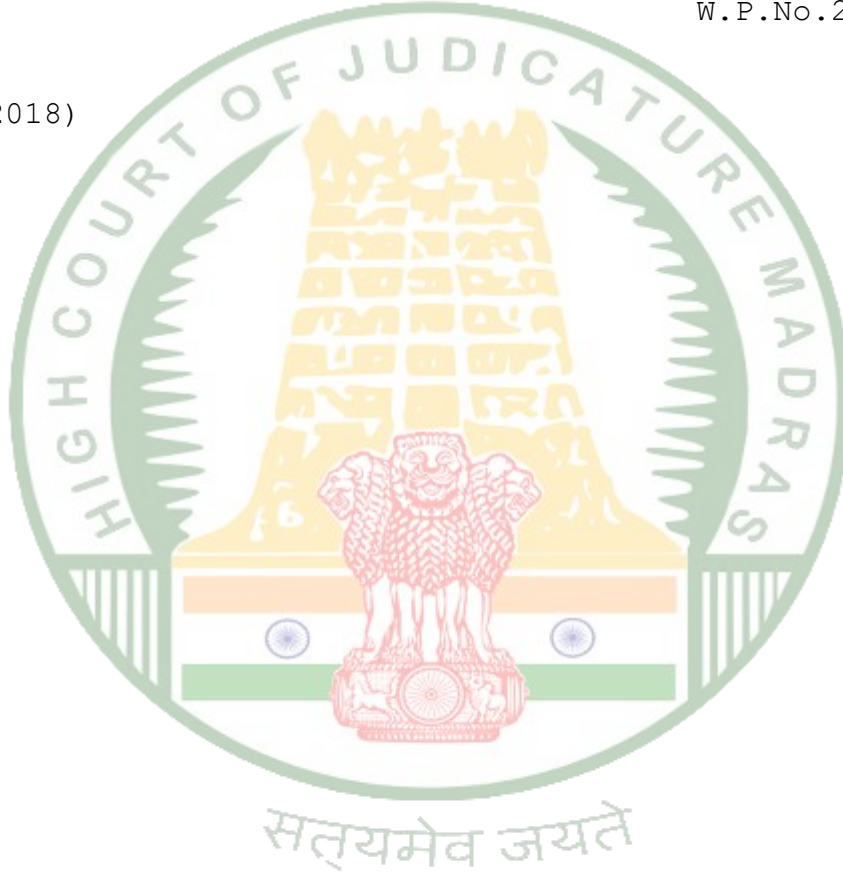
The Zonal Officer,
Zone-IX, Corporation of Chennai,
No.1, Lake Area 4th Street,
Nungambakkam,
Chennai - 600 034.

+1cc to Mr.L.DHAMODARAN, Advocate, S.R.No. 7926

+1cc to Mr.T.C.GOPALAKRISHNAN Advocate, S.R.No. 7783

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RSI (CO)
TR(05/03/2018)



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