

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 9.4.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.A.No.658 of 2018
and
C.M.P.No.6309 of 2018

P.Arosh Paul Antony Appellant/Petitioner

Versus

1 The Commissioner of Police
Greater Chennai Police
E.V.K.Sampath Road
Vepery Chennai 600 007

2 Inspector of Police
J-12 Kanathur Police Station
Kanathur Chennai 600 112

3 K.Baskar Respondents/Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 7.2.2018 passed in W.P.No.2569 of 2018 on the file of this court.

WP.NO.2569 OF 2018:

Writ Petition filed Under Article 226 of the Constitution of India to issue a writ of Certiorarified mandamus calling for the records of the respondents 1 and 2 in the impugned notice proceedings bearing proceedings No. Nil dt 28.1.2018 calling upon the petitioner to produce NOC from the Land Owner and quash the same and direct the respondents 1 and 2 to issue the renewal of licence for the business of Fitness Freaks situated at No. 3/139, Plot No. 45, 46 and 47A, VGP Layout, 1st Main Road, Uthandi, Chennai 119 without insisting for NOC from landlord.

For appellant : Mr.B.Elango for
M/s.G.Vijay Anand Assoicaes
For RR1 and 2 : Mr.Ravikumar, AGP

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the appellant and Mr.Ravikumar, learned Additional Government Pleader, who takes notice on behalf of respondents 1 and 2.

2. It appears that the appellant, who is said to have entered into a tenancy agreement with the third respondent herein, had been running a Gymnasium in the premises he had taken on rent for the past two years. It further appears that he had challenged the notice issued by the Police Department calling for production of NOC from the land owners to be submitted by the appellant for the purpose of renewal of the licence to run the Gymnasium was under challenge before the learned Single Judge.

3. However, the learned Single Judge, taking into consideration the objection raised by the Police for renewal of licence on the ground that he appellant had not produced the no objection certificate, had directed the Police to enquire into the matter by calling upon all the owners of the subject property, as against which the appellant is before us.

4. Having heard the learned counsel appearing for the parties, we find that the Police Department had issued such notice calling for NOC from the land owners on the ground that there are some disputes between the land owners in issuing NOC. Therefore, if there is any dispute among the co-owners of the subject property with regard to rental or letting out the property, that can be resolved through civil court or any other forum and not necessarily through the police. The appellant shall continue to run the Gymnasium and the co-owners who are in dispute can approach the appropriate forum to resolve their disputes. Unless there is any unlawful activities warranting the interference of the Police, there shall not be any impediment for the appellant to run the gymnasium. The co-owners of the subject property, who are at loggerheads, can seek for extension of remedy before the civil court or before the appropriate forum or to negotiate with the appellant together and resolve the same.

5. The writ appeal is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

ssk.

To:

- 1 The Commissioner of Police
Greater Chennai Police
E.V.K.Sampath Road
Vepery Chennai 600 007
- 2 Inspector of Police
J-12 Kanathur Police Station
Kanathur Chennai 600 112

+1cc to Mr.G.VIJAY ANAND ASSO. Advocate, S.R.No.26024

+1cc to the Government Pleader, S.R.No.26271

W.A.No.658 of 2018

KK (CO)
TR(26/04/2018)



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