

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.02.2018

CORAM

THE HONOURABLE Mr.JUSTICE M.S.RAMESH

W.P.No. 2569 of 2018
and W.M.P.No.3165 of 2018

Mr.P.Arosh Paul Antony

.. Petitioner

Vs

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. Mr.K.Baskar

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying 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 dated 28.01.2018 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 47 A, VGP Lay out, 1st Main Road, Uthandi, Chennai - 600 119 without insisting for NOC from landlord.

For Petitioner : M/s.A.Rajendra Kumar

For Respondents : Mr.D.Raja
Additional Government
Pleader for R1 & R2
No Appearance for R3

O R D E R

The order under challenge is the notice dated 28.01.2018, wherein the second respondent had called upon the petitioner herein to produce No Objection Certificate from all the owners of the property situated at No.3/139, Plot No.45, 46 and 47 A, VGP Lay out, 1st Main Road, Uthandi, Chennai - 600 119.

2. Today when the matter was called, on instructions, the learned Additional Government Pleader submitted that four of the title owners of the subject property namely 1.K.Kalavathy, 2.Babitha, 3. K.Velmurugan and K.Balaganesh have given their objections with regard to the issuance of No Objection Certificate and hence they are not in a position to consider the same.

3. The learned counsel for the petitioner by relying on the tenancy agreement that he had entered into the tenancy agreement with only one person namely K.Baskar and that he has also paid the rents till January 2018 to the said K.Baskar, who is also a owner of the property, as such the other owners are not entitled to raise the objection and he is entitled to run the Gymnasium.

4. In my view, it would be appropriate for the second respondent herein to consider this aspect. In the light of the submissions made by the learned counsel for the petitioner that he had valid tenancy agreement dated 31.01.2018 and thereafter he had also paid the rents till the current month, the second respondent herein is directed to conduct an enquiry by calling upon all the owners of the subject property as well as the petitioner herein and take a decision with regard to the issuance of No Objection Certificate. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order, on its own merits and in accordance with law and take appropriate decision.

5. In the mean time, the petitioner is permitted to continue the Gymnasium in the subject property till a final decision is taken in this regard by the second respondent herein.

6. With the above observations, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

-s/d-

Deputy Registrar

True Copy

Sub-Assistant Registrar

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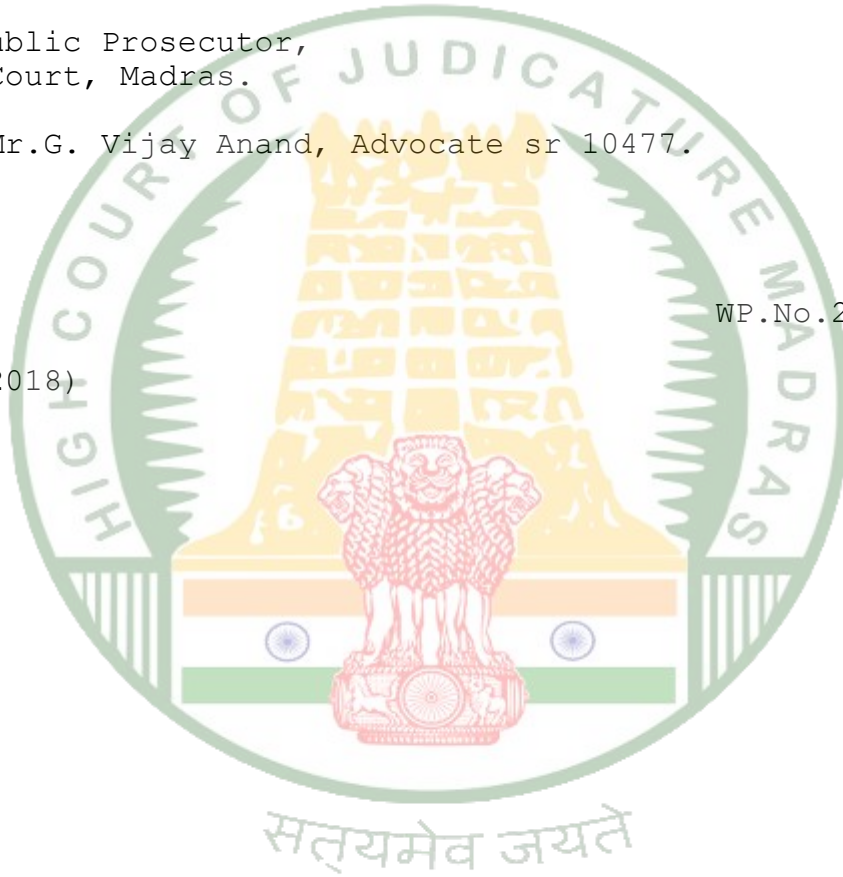
To

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.
3. The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.G. Vijay Anand, Advocate sr 10477.

WP.No.2569 of 2018

SP(16/02/2018)



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