

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.05.2018

CORAM

THE HONOURABLE MR. JUSTICE S. BASKARAN

W.P. No. 13174 of 2018

R. Thangamani

..Petitioner

Vs.

1. The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Park Town, Chennai -3.

2. The Revenue Officer,
Greater Chennai Corporation,
Rippon Building,
Park Town, Chennai - 600 003.

3. The Assistant Revenue Officer,
Revenue Department, Zone-8,
Chennai Corporation,
36B, Pulla Avenue,
Shenoy Nagar, Chennai - 30.

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the respondents to consider the representation of the petitioner dated 04.05.2018 seeking renewal of licence in respect of tea stall being run under the name and style of " Raman Tea Stall" at No.26, Balfour Road, Kilpauk, Chennai - 600 010 and to pass appropriate orders on the said representation.

For Petitioner :: Mr.K. Venkateswaran

For Respondents:: Mr.S. Saravanan,
Standing Counsel

ORDER

This writ petition is filed for issue of a Writ of Mandamus directing the respondents to consider the representation of the petitioner dated 04.05.2018 seeking renewal of licence in respect of tea stall being run under the name and style of " Raman Tea Stall" at No.26, Balfour Road, Kilpauk, Chennai - 600 010 and to pass appropriate orders on the said representation.

2. The case of the petitioner is that he is running a tea

stall under the name and style of " Raman Tea Stall" at No. 26, Balfour Road, Kilpauk, Chennai - 600 010. Originally, according to the petitioner, the said shop was run by his father and after his demise, the petitioner's mother had taken charge of the said business. Due to old age and ailment, the petitioner's mother could not run the business and the petitioner had rendered assistance in running the tea stall even during her life time. According to the petitioner, a request letter was given to the respondents for name transfer and renewal of licence in respect of the shop in question in the name of the petitioner during the life time of his mother and licence was also issued in his favour by the 1st respondent, on payment of necessary charges and the same was periodically renewed, the last renewal being dated 06.06.2017. Even after the demise of his mother, the petitioner is running the said tea stall and paying the rent in respect of the shop portion and other incidental charges. In the meantime, a legal notice dated 11.07.2017 was issued stating that renewal of licence could be given only with the consent of all the legal heirs of Late. Raman, the father of the petitioner, which according to the petitioner, is unsustainable. Further, when the petitioner had gone for renewal with necessary fee, he was informed that objections have been raised for renewal of licence in his name. Subsequently, the 3rd respondent had issued a notice dated 20.04.2018 stating that the petitioner should obtain the licence for running his business by paying the necessary licence fee together with penalty within 7 days from the date of receipt of the said notice failing which the 3rd respondent would proceed with lock and seal. In this regard, the petitioner has given a representation to the respondents dated 04.05.2018 and same is pending. Hence, the present writ petition for the relief aforesaid.

3. Heard the learned counsel on either side.

4. Considering the limited scope of the relief sought by the petitioner, without going into the merits of the claim made by the petitioner in his representation, the writ petition is disposed of directing the respondents to consider the representation of the petitioner dated 04.05.2018 and pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS IX)

//True copy//

Sub Assistant Registrar

nv/sai

TO

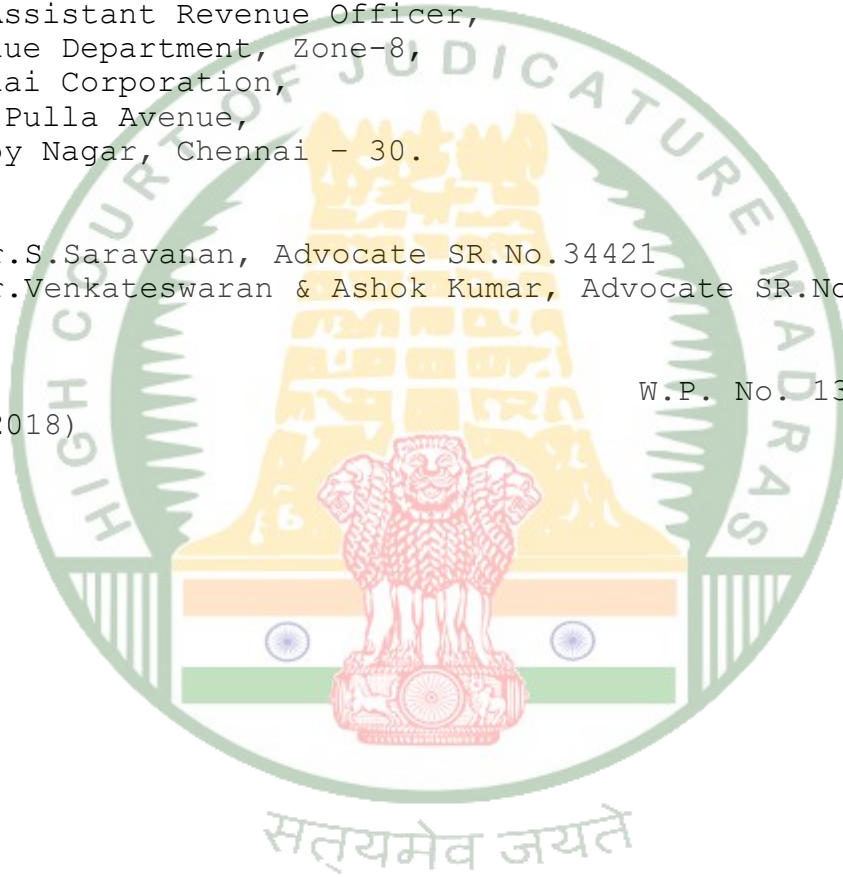
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+1cc to Mr.S.Saravanan, Advocate SR.No.34421

+1cc to Mr.Venkateswaran & Ashok Kumar, Advocate SR.No.34424

GN(05/06/2018)

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