

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2018

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

WP.No.15890 of 2018
and WMP.No.18894 of 2018

M.Pandian

...Petitioner

Vs.

1.The Commissioner,
Corporation of Chennai,
Rippon Building, Chennai – 600 003.

2.The Zonal Officer,
Zone-VII, Greater Chennai Corporation,
Ambattur, Chennai – 600 053.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, call for the records pertaining to the impugned proceeding Ma.A.7.Va.Tu.Na.Ka.No.R1/03781/2018 dated 19.06.2018 issued by the second respondent and quash the same and to direct the second respondent to remove the lock and seal put up on 21.06.2018 on the petitioner's premises Hotel Amirta Surabi at No.4, South Park Street, Venkatapuram, Ambattur, Chennai – 53 under Section 379(A)(1) of Chennai City Municipal Corporation Act IV of 1919.

For Petitioner : Mr.P.Thiagarajan
For Respondents : Mr.A.Nagarajan, Standing Counsel
for R1 & R2

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.,]

By consent, the writ petition is taken up for final disposal.

2. Mr.A.Nagarajan, learned Standing Counsel accepts notice on behalf of the respondents 1 and 2.

3. The petitioner claims that he is running a Hotel in the name and style of Amirta Surabi bearing No.4, South Park Street, Venkatapuram, Ambattur, Chennai-53 and after obtaining necessary license as contemplated under the Chennai City Municipal Corporation Act 1919, he has used the Hotel right from the year 2012. The petitioner would further aver that on account of running of the hotel, difference of opinion arose between the petitioner and one of the residents viz., one Mr.Gunasekar and there was an attack on the petitioner by the said Mr.Gunasekar along with his friends and with regard to the said incident, criminal complaint has also been lodged and it is under investigation. The petitioner would further submit that earlier, another resident viz., Viswanathan due to personal

vengeance with the petitioner, lodged a complaint in Corporation of Chennai, Zone-7 in the year 2015 for removal of the Hotel and based on the complaint, he was issued with notice dated 20.02.2015 and challenging the same, he has filed WP.No.5684 of 2015 and vide order dated 02.03.2015 this Court has directed the 2nd respondent herein to consider the application for renewal of license submitted by the petitioner and pass orders on merits and in accordance with law within a stipulated time.

4. The Zonal Officer vide communication dated 16.03.2015 in ம.அ.7.ந.க.எண்.சிறப்பு/2015/எச்.1 has pointed out 15 deficiencies and according to the petitioner, all the deficiencies pointed out have been complied with and therefore, awaiting for approval for renewal of the trade license. However to the shock and surprise, he was issued with notice under Section 379(A) of the Chennai City Municipal Corporation Act 1919 and the Hotel premises was also sealed on 21.06.2018 at 10.30 a.m. The petitioner has submitted a detailed representation dated 20.06.2018 to the 2nd respondent, Revenue Officer as well as to the Health Officer of Corporation of Chennai pointing out that the deficiencies pointed out have been rectified and in the event of inspection being caused, it would disclose that everything is in order and however without taking note of the same, the lock and seal has been put

up on the hotel premises and as a consequence, he has put to grave hardship and loss and prays for appropriate orders.

5. *Per contra*, Mr.A.Nagarajan, learned Standing Counsel appearing for the respondents 1 and 2 would submit that despite particulars given, the petitioner did not make note of the deficiencies and therefore, it has been rightly put under lock and seal.

6. This Court has considered the rival submissions and also perused the materials placed before it.

7. This Court taking into consideration the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in his representation or in this writ petition, directs the 2nd respondent to put the petitioner as well as Mr.Gunasekaran / objector, on notice and after affording an opportunity of personal hearing to the petitioner, shall consider and dispose of this representation dated 20.06.2018, on merits and in accordance with law within a period of three weeks from the date of receipt of copy of this order and communicate the decision taken to the petitioner as well as to the Objector. It is also open to the petitioner to submit a representation for temporary removal of lock and

seal to remove the perishable articles to the 1st respondent and as and when it is received, the same shall be considered and disposed of by the 1st respondent in accordance with law, immediately.

8. This writ petition is disposed of with the above directions. No costs. Consequently connected miscellaneous petition is closed.

[M.S.N.J] [G.K.I.J]
28.06.2018

Index : No
Internet: Yes
Speaking Order

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To

1. The Commissioner,
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Rippon Building, Chennai – 600 003.

2. The Zonal Officer,
Zone-VII, Greater Chennai Corporation,
Ambattur, Chennai – 600 053.

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M.SATHYANARAYANAN.,J
AND
G.K.ILANTHIRAIYAN.,J

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