IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2018

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.Nos.13949 and 11409 of 2013
and
M.P.Nos.1 and 1 of 2013

The Prince of Arcot Endowments,
Rep.by its Agent,
Hajee U.Mohamed Khalilulah,
113-A, Amir Mahal,
Pycrofts Road,
Chennai - 14. .. Petitioner
(in W.P.No.13949 of 2013)

Mohammed Yusuf @ Babu .. Petitioner
(in W.P.No.11409 of 2013)

Vs

1.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai.

2.Assistant Commissioner,
and Zonal Officer,
Zone-6, Ice House,
Chennai - 5.

3.The District Revenue Officer /
Designated Officer (FSSI Act),
District Collectorate,
Chennai.

4.The Sanitary Inspector /
Food Safety Officer (FSSI Act),
Zone-6, Corporation of Chennai,
Ice House, Chennai - 5.

5.Mohammed Yousuf @ Babu ... Respondents
(in W.P.No.13949 of 2013)

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1.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai -600 002.

2.Revenue Officer,
Corporation of Chennai,
Revenue Department,
Zonal - 7, Lake Area,
Nungambakkam,
Chennai - 34.

3.Akbar
4.Yusuf Ahmed .. Respondents
(in W.P.No.11409 of 2013)

Prayer in W.P.No.13949 of 2013: Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the 1st and 2nd respondent to cancel the Trade licence of the 5th respondent obtained from 1st respondent by citing pseudo address Door No.15/7, Main Gate, ''Walajah Big Mosque'', Syed Noor Street, Mount Road, Chennai - 2 and functioning the shop at premises No.311, Wallajah Big Mosque, Triplicane High Road, Chennai - 5 by holding enquiry under the provisions contemplated in Chennai City Municipal Corporation Act, within a time frame limit that may be fixed by this Court.

Prayer in W.P.No.11409 of 2013: Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the respondents 1 and 2 to renew the trade tea stall licence for the year 2013-2014.

For Petitioners : Mr.T.K.S.Gandhi
(in W.P.No.13949 of 2013)

Mrs.H.Yasmeen Ali
(in W.P.No.11409 of 2013)

For Respondents : Mr.V.C.Selvasekaran
Standing Counsel for
R1, 2 and 4 (in W.P.No.13949 of 2013)
R1 and 2 (in W.P.No.11409 of 2013)

Mr.B.Anand
Government Advocate for R3
(in W.P.No.13949 of 2013)

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Mrs.H.Yasmeen Ali for R5
(in W.P.No.13949 of 2013)

No appearance for R3 and R4
(in W.P.No.11409 of 2013)

C O M M O N O R D E R

W.P.No.13949 of 2013 has been filed seeking a direction to the respondents 1 and 2 to cancel the trade licence issued in favour of the fifth respondent.

W.P.No.11409 of 2013 has been filed seeking a direction to the respondents 1 and 2 to renew the trade licence for the year 2013-2014.

2. Heard the learned counsel for the petitioners and the learned counsel for the respondents and perused the materials available on records.

3. The Prince of Arcot Endowments claims to be the administrator of Walajah Big Mosque situated at Mount Road. The allegations of the endowment is that the fifth respondent namely Mohammed Yousuf @ Babu, has encroached the property of the Mosque and running a Tea Shop and selling prohibitory items and also causes nuisance to the public, who are coming to the Mosque for prayer.

4. The learned counsel for the petitioner in W.P.No.11409 of 2013 would submit that the tenant has been paying rents regularly and as per the recent decision of the Hon'ble Supreme Court, licensing authority need not insist production of No Objection Certificate from the landlord for renewal of licence.

5. The learned counsel for the first respondent/Chennai Corporation would submit that originally the area was under the jurisdiction of Zone-6 and 7, Chennai and now it comes under Zone-9, Nungambakkam. It is further stated that the Assistant Commissioner/Zonal Officer, Zone -9, Nungambakkam, Chennai, is ready to consider the representations of the petitioners.

6. Taking note of the above facts and the submissions made by the learned counsels on either side, this Court, without going into the merits of the case, directs the petitioners to give fresh representation to the Assistant Commissioner/Zonal Officer, Zone -9, Nungambakkam, Chennai, by enclosing a copy of this order within a period of two weeks from the date of receipt of a copy of this order. On such compliance, he shall pass appropriate orders on merits and in accordance with, after

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providing an opportunity to all necessary parties, within a period of twelve weeks therefrom.

7. With the above direction, this writ petition is disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai.

2.Assistant Commissioner,
and Zonal Officer,
Zone-6, Ice House,
Chennai - 5.

3.The Assistant Commissioner/Zonal Officer,
Zone-6, Ice House,
Chennai - 5.

4.The District Revenue Officer /
Designated Officer (FSSI Act),
District Collectorate,
Chennai.

5.The Sanitary Inspector /
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Zone-6, Corporation of Chennai,
Ice House, Chennai - 5.

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6.The Revenue Officer,
Corporation of Chennai,
Revenue Department,
Zonal – 7, Lake Area,
Nungambakkam,
Chennai – 34.

+1cc to Mr.Saddiq Ali, Advocate Sr.45674
+1cc to the Government Pleader Sr.45765
+1cc to Mr.T.K.S.Gandhi, Advocate Sr.46012

W.P.Nos.13949 and 11409 of 2013
and
M.P.Nos.1 and 1 of 2013

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srg 01/08/2018

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