

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.12.2018

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P. Nos.26625 & 26672 of 2018
and

W.M.P.Nos.30994 & 31044 of 2018

Sri Mahaveer Tyres,
Prop. Ms.Prem Kumari,
Old No.28-A, New No.44,
Whites Road, Royapettah,
Chennai - 600 014.

... Petitioner in W.P.No.26625 of 2018

Deepak Tyres,
Prop. V.Neelkamal,
W/o.Veer Dhariwal Jain,
No.28, Whites Road,
Royapettah,
Chennai - 600 014.

... Petitioner in W.P.No.26672 of 2018

versus

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

2. The Assistant Commissioner,
Greater Corporation of Chennai,
Zonal Office-IX,
Revenue Department, 4th Street,
Lake Area, Chennai - 600 034.

.. Respondents in both W.Ps.

PRAYER in both W.Ps.: Writ Petitions filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned notice of the 2nd respondent dated 24.09.2018 DN:111 and quash the same and further direct the 1st respondent to process the trade license application made by the petitioners at the earliest.

For Petitioner : Mr.S.Arivazhagan
in both W.Ps.

For Respondents : Mr.V.C.Selvasekaran
in both W.Ps. Standing Counsel

COMMON ORDER

The petitioners have filed these writ petitions to call for the records relating to the impugned notice of the second respondent dated 24.09.2018 DN:111 and quash the same and further direct the 1st respondent to process the trade license application made by the petitioners at the earliest.

2. Heard Mr.S.Arivazhagan, learned counsel appearing for the petitioners and Mr.V.C.Selvasekaran, learned Standing Counsel appearing for the respondents.

3. In similar circumstances, this Court has passed an order in W.P.No.26293 of 2018 dated 09.10.2018. The relevant portion of the same is extracted hereunder:

"4. Considering the fact that the petitioner's application is now pending with the second respondent, the second respondent is directed to consider the petitioner's application and pass orders on merits in accordance with law on or before 12.10.2018. Since the petitioner's premises has been locked and sealed, pending the application, the respondents are directed to remove the lock and seal enabling the petitioner to remove the goods. However, the petitioner is not permitted to run any business in the premises without license."

4. The prayer in these writ petitions is to quash the impugned notice of the second respondent dated 24.09.2018 issued under Section 287 of the Chennai City Municipal Corporation Act IV of 1919, calling upon the petitioners to stop the trade within 24 hours of the receipt of the notice.

5. Admittedly, there is no trading license for the petitioners and they cannot carry on with the trade. It is open to them to apply for the trade license afresh and the second respondent is directed to consider the petitioners' application and pass orders on merits and in accordance with law. The respondents are directed to remove the lock and seal enabling the petitioners to remove the goods. However, the petitioners are not entitled to run any business in the premises without license.

6. With the above directions, the writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

rsi

To

1. The Commissioner,
Greater Corporation of Chennai,
Rippon Building,
Chennai - 600 003.
2. The Assistant Commissioner,
Greater Corporation of Chennai,
Zonal Office-IX,
Revenue Department, 4th Street,
Lake Area, Chennai - 600 034.

+2cc to Mr.S.arivazhagan, Advocate SR.No.84872,84873

W.P. Nos.26625 & 26672 of 2018
and W.M.P.Nos.30994 & 31044 of 2018

SV(CO)
GMY(02/01/2019)

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