

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 20.11.2018
CORAM
THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN
W.P. No. 30275 of 2018
and
W.M.P. No. 35330 of 2018

Mohammed Yousuf @ Babu

... Petitioner

vs.

1. The Commissioner Corporation of Chennai,
Ripon Building,
Chennai- 600 002.

2. The Assistant Revenue Officer,
Corporation of Chennai,
Revenue Department,
Zonal - 9, Lake Area,
Nungambakkam,
Chennai - 34

3. Akbar

4. Yusuf Ahmed

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of certiorari mandamus, to call for the records of the 2nd respondent in proceedings MA. AA. 9. Va. thu. Na. Ka. No. R.3/13119/2018 dated 07.11.2018 and the impugned order in proceeding No.Nil dated 07.11.2018, which is passed by the 2nd respondent and quash the same and direct the 2nd respondent to grant license to the petitioner to run the tea stall, which is situated at No.311, Triplicane High Road, Chennai -1 .

For Petitioner : Mr.H.Yasmeen Ali
For Respondents : Mrs. Karthika Ashok,
Standing counsel,
for R1 & R2

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O R D E R

This writ petition has been filed challenging the notice issued by the second respondent under Section 379(a)(1) of the Chennai City Municipal Corporation Act.

2. I have heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents 1 and 2.

3. The second respondent has issued a notice to the petitioner to close the tea shop on the ground that the petitioner is running the tea shop without renewing the licence. The licence was issued to the petitioner up to the year 2013. In the year 2013, the petitioner has filed an application seeking for renewal of licence. But that application was not considered . Hence, the petitioner filed a writ petition is W.P.No.11409 of 2013 and the petitioner's landlord , the Prince of Arcot Endowment also filed a writ petition in W.P.No.13949 of 2013 seeking to cancel the licence issued to the petitioner on the ground that the petitioner has encroached the property, which belongs to the endowment. This Court by an order dated 11.07.2018 passed a common order, thereby directing the petitioner herein as well as the Prince of Arcot Endowment to give a fresh representation to the Assistant Commissioner/Zonal Officer, Zone -9 and on filing such application, the Assistant Commissioner, Zone 9, was directed to conduct a fresh enquiry and pass suitable orders. Pursuant to the order passed by this Court, the petitioner filed a fresh application for renewal of licence on 06.09.2018. But, without considering the application given by the petitioner, the second respondent has passed the impugned order directing the petitioner to close the shop. Hence, the present writ petition has been filed.

4. Considering the above fact that the order has been passed without considering the petitioner's application for renewal, the impugned order is set aside, and the matter is remanded back to the second respondent. The second respondent is directed to consider the petitioner's application as well as the application filed by the Prince of Arcot Endowment, and pass orders on merits and in accordance with law, after giving opportunity to the petitioner as well as the Prince of Arcot Endowment within a period of four weeks from the date of receipt of a copy of this order. Till such time, the respondents are directed not to take any action against the petitioner.

5. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

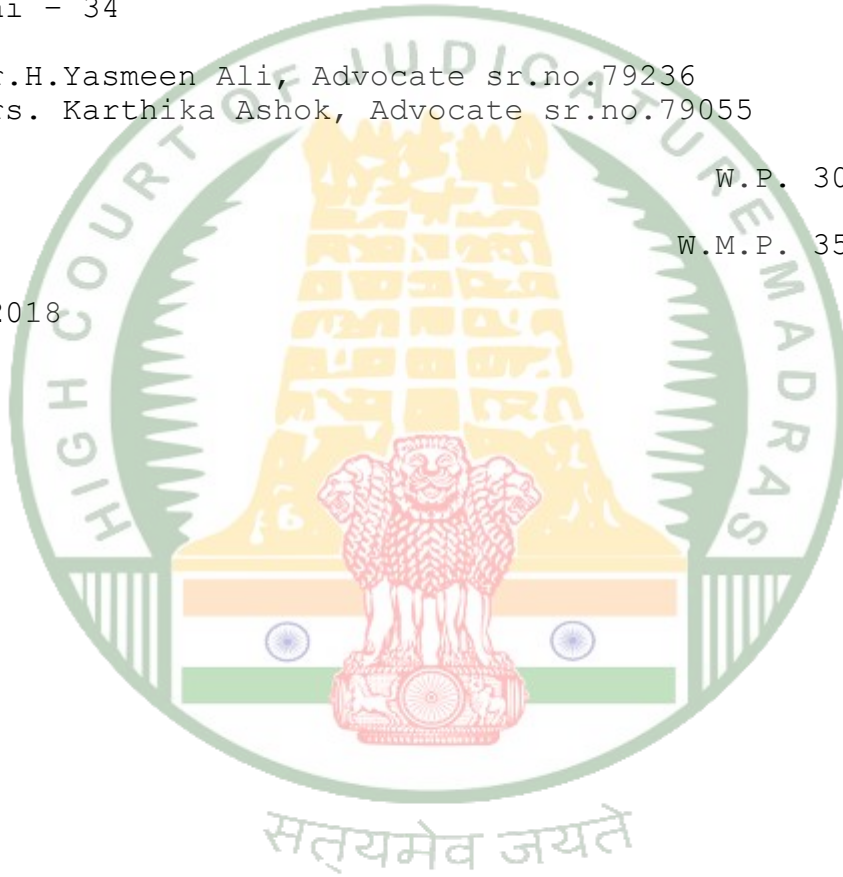
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Nungambakkam,
Chennai - 34

+1cc to Mr.H.Yasmeen Ali, Advocate sr.no.79236

+1cc to Mrs. Karthika Ashok, Advocate sr.no.79055

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nr 20/12/2018



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