

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2018

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.34303 of 2018

and

W.M.P.39873 of 2018

V.Subha Varadharaj

... Petitioner

Versus

1. The Additional Commissioner of
Police (Traffic),
Chennai Traffic,
Vepery,
Chennai-600 007.
2. The Assistant Commissioner,
Corporation of Chennai,
Zone-15, Rippon Buildings,
Chennai-600 003.
3. The Zonal Officer,
Zone-15, Corporation of Chennai,
No.120 Rajiv Gandhi Road,
Solinganallur,
Chennai-600 119.
4. The Assistant Revenue Officer,
Zone-15, Corporation of Chennai,
Sholinganallur,
Chennai-600 119.
5. A.Dhanasekar,
No.4/350, Shop No.C,
5th Cross Street,
Kapaleeswarar Nagar,
Neelangarai,
Chennai-600 115.

... Respondents

PRAYER:

Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order issued by the 3rd respondent letter dated 14.12.2018, quash the same and direct the respondent to consider the claim of the petitioner for grant of license for the petitioner's Eating House M/s.Madurai Rajammal Curry Kolambu mess at No.4/350, Shop No.C, 5th Cross Street, Kapaleeswarar Nagar, Neelangarai, Chennai-600 115 on the basis of representation made by the petitioner.

For Petitioner : Mr.P.Gnanasekaran
For Respondents : Mr.R.Govindasamy,
Special Government Pleader for R1
Mrs. Karthikaa Ashok for R2 to R4
Mr.L.Chandrakumar for R5

ORDER

This Writ Petition has been filed challenging the notice issued under Sec.379(A) of the Chennai City Municipal Corporation Act, directing the petitioner to stop running the hotel on the ground that the petitioner is running the business without obtaining the Trade license.

2. The case of the petitioner is that he had applied for license for running a hotel before the fourth respondent Corporation. Pending application, he has started to run the hotel business. Now, the 3rd respondent has issued the impugned notice to the petitioner directing him to stop the business. Admittedly, the petitioner is running the hotel without any license. Hence, the impugned notice has been issued. I find no illegality in the notice issued by the third respondent Corporation, and there is no merit in the Writ Petition.

3. However, considering the fact that the petitioner has filed the application on 25.07.2018, and the same is pending with the 4th respondent, the 4th respondent is directed to consider the petitioner's application and pass suitable orders in the application after giving opportunity to the petitioner as well as the 5th respondent landlord within a period of one week from today.

4. In the result, the present Writ Petition stands

dismissed. No costs. Consequently, the connected Writ Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

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To

1. The Additional Commissioner of
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Chennai-600 119.
4. The Assistant Revenue Officer,
Zone-15, Corporation of Chennai,
Sholinganallur,
Chennai-600 119.

+1cc to Mrs.Karthikaa Ashok, Advocate, S.R.No.89796
+3cc to Mr.E.D.Sethupathy, Advocate, S.R.No.89567
+2cc to Mr.P.Gnanasekaran, Advocate, S.R.No.89310

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PVS (CO)
CS/21/12/2018