

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2019

CORAM

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

W.P. 15950 of 2011
and
M.P.s 1 & 2 of 2011

C.Charles Christophe,
Proprietor,
New Loyala Fast Food,
No.37/15, Nelson Manickam Road,
Choolaimedu,
Chennai-600 094. Petitioner

Vs

- 1.The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai-600 003.
- 2.The Revenue Officer,
Corporation of Chennai,
Rippon Buildings,
Chennai-600 003.
- 3.The Zonal Officer,
Zone V, Corporation of Chennai,
No.183, E.V.R.Salai,
Kilpauk, Chennai-600 010.
- 4.The Assistant Revenue Officer,
Zone-V, Corporation of Chennai,
No.183, E.V.R.Salai,
Kilpauk, Chennai-600 010. Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records of the respondents made in the impugned notice dated 30.06.2011 issued under Section 379(A) of C.C.M.C. Act IV of 1919 and to quash the same.

For Petitioner : Mr.D.Venkateswaran
For Respondents : Mr.Arunmozhi,
Standing Counsel for
Chennai Corporation

O R D E R

This Writ Petition has been filed challenging the impugned notice issued by the 3rd respondent dated 30.06.2011 and quash the same.

2. The case of the petitioner is that the petitioner is running a Fast Food eating house under the name and style of "New Loyala Fast Food" at the above said address from 1991 onwards. As a matter of routine, on 12.07.2010, the petitioner has applied for the license by remitting a sum of Rs.7650/- towards the fee by way of demand draft No.816291 dated 12.07.2010 for running the eating house for the period from 16.09.2010 to 31.03.2011. Before the expiry of the above said license, the petitioner has applied for the renewal of license by paying the renewal charges of Rs.3,275/- vide demand draft bearing No.817753 dated 03.03.2011 for the period of commencing from 16.03.2011 to 31.03.2012. While the license was in force upto the period of 31.03.2012, the 2nd respondent has issued a notice dated 01.06.2011 under Sec.279 of Chennai City Municipal Corporation Act IV of 1919 (hereinafter called as "C.C.M.C. Act"). Thereafter, the 3rd respondent has issued a show cause notice dated 09.06.2011 stating that the petitioner is running the eating house contrary to C.C.M.C. Act and call upon the petitioner to submit his explanation within a period of seven days. Immediately after receipt of the show cause notice, the petitioner has submitted his explanation on 14.06.2011 and reported that the entire conditions were complied with. Even thereafter, on 30.06.2011, the 3rd respondent had passed the impugned order by invoking Sec.379(A) of C.C.M.C. Act directing the petitioner to close the eating house. Against which, the present Writ Petition has been filed by the petitioner.

3. The learned counsel appearing for the petitioner would submit that while entertaining this Writ Petition, this Court had passed an order of interim stay on 01.07.2011. Thereafter, the respondents authority did not disturb the petitioner eating house, however, periodically the license was renewed upon satisfaction of entire conditions imposed by the respondents. Since the license of the petitioner was periodically renewed, the learned counsel has prayed that this Court may pass appropriate orders in this Writ Petition.

4. The learned counsel appearing for the respondents did not dispute the fact submitted by the learned counsel appearing for

the petitioner.

5. On considering the facts and circumstances of the case, it is seen that though the impugned order was passed on 30.06.2011, thereafter, the petitioner has independently satisfied the corporation authorities and complied the conditions. Since the petitioner has satisfied the authorities and license was periodically renewed by the respondents authorities, nothing survives for further adjudication in this Writ Petition. Hence, the present Writ Petition is liable to be closed. Accordingly, the Writ Petition stands closed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

rpp

To

- 1.The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai-600 003.
- 2.The Revenue Officer,
Corporation of Chennai,
Rippon Buildings,
Chennai-600 003.
- 3.The Zonal Officer,
Zone V, Corporation of Chennai,
No.183, E.V.R.Salai,
Kilpauk, Chennai-600 010.
- 4.The Assistant Revenue Officer,
Zone-V, Corporation of Chennai,
No.183, E.V.R.Salai,
Kilpauk, Chennai-600 010.

+1cc to Mr.SD.Venkateswaran Advocate, S.R.No.69974

+1cc to Mr.R.Arunmozhi Advocate, S.R.No. 68866

NR(CO)

CB(23/09/2019)

W.P. 15950 of 2011

and

M.P.s. 1 & 2 of 2011