

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 09.01.2019
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.26441 of 2009
and
M.P.No.1 of 2009

K.Devaendran

... Petitioner

Vs

1.The Commissioner,
Corporation of Chennai,
Ripon Building,
Chennai - 3.

2.The Area Engineer,
Zone No.IV, Ward No.51,
Corporation of Chennai,
239, Paper Mills Road,
Chennai- 11.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents 1 and 2, their men, agents, employees, etc., or any one acting on their behalf from in any manner interfering with or disturbing the petitioner, his business as ANV Mercury Motors, an auto mobile repair shop at No.75, K.K.R.Avenue, Perambur, Chennai - 1, falling within the limits of 2nd respondent, except by due process of law.

For Petitioner : Mr.T.S.Rajamohan
For Respondents : Mrs.R.Arun Mozhi

ORDER

This writ petition has been filed to forbear the respondents 1 and 2, from in any manner interfering with or disturbing the petitioner's business at No.75, K.K.R.Avenue, Perambur, Chennai - 1, except under due process of law.

2.According to the learned counsel for the petitioner, the petitioner is running an Automobile Workshop at the rented premises at No.75, K.K.R.Avenue, Perambur, Chennai - 1, after obtaining necessary licence and permission from

the competent authorities, which are valid, even today. However, the respondents are demanding the petitioner to comply with certain onerous conditions, failing which, they threaten to cancel the licence, without issuing any notice or communication. Finding no other option, the petitioner is before this Court with the present writ petition.

3. Denying the allegations raised on the side of the petitioner, the learned counsel for the respondents submitted that the authorities required the petitioner only to produce the licence/certificates obtained from the competent authorities, as and when required.

4. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the respondents not to interfere with the business activities of the petitioner, if the petitioner possesses all the required certificates including trade licence. However, it is made clear that if there is any lapse found out by the respondents, it is always open to them to proceed, in accordance with law.

5. Accordingly, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

vsi2/arb

To

1. The Commissioner,
Corporation of Chennai,
Ripon Building, Chennai - 3.

2. The Area Engineer,
Zone No. IV, Ward No. 51,
Corporation of Chennai,
239, Paper Mills Road, Chennai - 11.

+1cc to Mr. T. S. Rajamohan, Advocate SR.No. 2449

+1cc to Mrs. R. Arun Mozhi, Advocate SR.No. 2900

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A.SK(07/05/2019)