

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.12792 of 2019

A.P.Ashok Kumar

...Petitioner

Vs.

1.The Commissioner,
Greater Chennai Corporation,
Ripon Buildings, Chennai-600 002.

2.The Zonal Officer,
Zone V, Chennai-600 002.

3.The Health Officer,
Zone V, Chennai-600 002.

... Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the 2nd respondent to dispose of the application dated 26.03.2019 within a stipulated time as fixed by this Court.

For Petitioner : Mr.V.Raghavachari

For Respondents: Mrs.R.Karthikaa Ashok

O R D E R

Mrs.R.Karthikaa Ashok, takes notice for the respondents.

2.The learned counsel for the petitioner would submit that the petitioner purchased the property situated at new door number 7-D Part, Old Door 12, New 19, 19/1 and 19/2, Poonamallee High Road, Vepery, Chennai. An eighty year old building was already in existence. The petitioner let out the property to TASMAL to run a bar and liquor vending outlet. TASMAL shop was functioning for over 4 years. There was a temporary structure on the first floor which was also used for consuming food. Due to CMRL construction, the premises had to be closed for over four years. In mid-2018, M/s.CMRL removed the barriers. On inspection it was found that the building was damaged by non-usage as well as the metro rail. On 20.12.2018, the 1st respondent issued a notice as if a new building was being constructed. A reply was issued saying the building is over 80 years old and that only shutters are being replaced and premises

is being repainted. Despite this reply, an order was passed stating no reply was issued. Against that order, an appeal is pending before the Government. The petitioner had let out the property for running a fast food and briyani stall. Trade licence was applied for. The same was rejected stating there is no parking space. The appeal preferred there from was returned saying no such appellate authority. Therefore, the petitioner entered into an agreement for car parking. On that basis, he applied for the licence and has paid the requisite fee also.

3.The learned counsel for the petitioner would further submit that the petitioner has also made an application dated 26.03.2019 to the 2nd respondent and the same is kept pending without any action till date.

4.Considering the limited scope of the prayer sought for in the writ petition, suffice it to direct the 2nd respondent to consider the application dated 26.03.2019, said to have been given by the petitioner and pass appropriate orders on merits and in accordance with law, after giving a fair and reasonable opportunity to the petitioner within a period of four weeks from the date of receipt of a copy of this order.

5.The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1.The Commissioner,
Greater Chennai Corporation,
Ripon Buildings, Chennai-600 002.

2.The Zonal Officer,
Zone V, Chennai-600 002.

3.The Health Officer,
Zone V, Chennai-600 002.

+1cc to Mrs.Karthikaa Ashok, Advocate Sr.44901
+1cc to Mr.V.Raghavachari, Advocate Sr.44574

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pvs[col]
srg 04/07/2019