

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2019

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.18825 of 2019
and W.M.P.Nos.18179 and 18183 of 2019

M/s.Ellora Restaurant,
Rep. by its Proprietor,
Mr.R.Sivanandham,
Old No.25, New No.38, Wallers Road,
Chintadripet,
Chennai - 600 002.

... Petitioner

Vs.

1.The Commissioner of Police,
Greater Chennai,
Vepery, Chennai - 600 007.

2.The Inspector of Police,
F1, Chintadripet Police Station,
Chennai - 600 002.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus or any other writ or direction in the nature of writ, calling for the records relating to show cause notice Rc.No.E3 (2)/206/132959/2018, dated 19.06.2019 on the file of the 1st respondent and quash the same and consequently directing the 1st respondent to issue renewal of Public Resort License under Chennai City Police Act 1888, forthwith to the petitioner to conduct Indian Cultural Dance at Old No.25, New No.38, Wallers Road, Chintadripet, Chennai - 600 002.

For Petitioner

: Mr.Mohan

for N.Naganathan

For Respondents

: Mr.M.Mohamed Riyaz,

Additional Public Prosecutor

ORDER

This writ petition has been filed challenging the impugned show cause notice issued by the 1st respondent dated 19.06.2019, wherein, the petitioner has been called upon to show cause as to

why his request for renewal of Public Resort License for the year 2019 should not be rejected.

2. The learned counsel for the petitioner submitted that pursuant to the orders passed by this Court in W.P.No.16582 of 2017, dated 07.01.2019, the petitioner had made a representation to the first respondent along with all the particulars and sought for the renewal of the licence in the year 2019. After the receipt of the representation, the first respondent has proceeded to issue the impugned show cause notice. The learned counsel for the petitioner submitted that this Court while passing orders in W.P.No.16582 of 2017 has given a clear direction to the first respondent to consider the renewal of the licence based on the report submitted by the Advocate Commissioner along with rough sketch and after making a spot inspection. The learned counsel for the petitioner submitted that after the orders were passed by this Court, the petitioner had entered into a fresh lease deed with one S.K.Jothinathan and had taken lease of a vacant property exclusively for the purpose of providing parking facilities for the petitioner. The learned counsel further submitted that information provided by the Traffic Police regarding the parking space required for restaurants under various categories clearly shows that the petitioner falls within the category (B) and the petitioner ought to have taken that into consideration.

3. The learned Additional Public Prosecutor appearing on behalf of the respondent police submitted that the impugned notice can be taken as a show cause notice calling for explanation and the petitioner can always give his representation along with all the documents relied upon by him and the first respondent will pass appropriate orders in line with the orders passed by this Court in W.P.No.16582 of 2017.

4. This Court considered the submissions made on either side and the materials available on record.

5. This Court, while passing orders in W.P.No.16582 of 2017, has narrowed down the scope of consideration for the first respondent. While considering the renewal of licence to be granted to the petitioner, the impugned notice, shall be taken to be merely a show cause notice calling upon the petitioner to give his explanation. The petitioner shall submit the explanation along with the documents relied upon by him. This explanation and the documents will be considered in line with the directions given by this Court in W.P.No.16582 of 2017 and also taking into account the rules pertaining to parking space needed for parking cars and two wheelers for a restaurant which has a seating capacity of 37 seats. This seating capacity has been fixed by the Corporation which had given the licence for

the public resort run by the petitioner. The first respondent shall thereafter, proceed to pass orders in accordance with law, within a period of four weeks from the date of receipt of copy of this order.

6. This Writ Petition is disposed of with the above directions. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

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To

1.The Commissioner of Police,
Greater Chennai,
Vepery, Chennai - 600 007.

2.The Inspector of Police,
F1, Chintadripet Police Station,
Chennai - 600 002.

3.The Public Prosecutor,
High Court,
Madras.

+1 cc to M/s.N.Naganathan, Advocate, S.R.No.55041

W.P. No.18825 of 2019

PPA(CO)
SSM(03/07/2019)

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