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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.11.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.28452/2019 &
W.M.P.Nos.28150 & 28154/2019

Mega Digital, Rep by its Partner,
S.Basheer Ahmed,
S/o Sultan,
Carrying on business at
No.48, Wallace Road,
Chennai - 600 002.

... Petitioner

Versus

- 1.The Government of Tamil Nadu,
Rep by its Secretary,
Municipal Administration and Water Supply
(MC2) Department,
Fort.St.George, Chennai - 600 009.
- 2.The Corporation of Greater Chennai,
Rep by its Commissioner,
Rippon Buildings, Chennai.
- 3.The Zonal Officer, Zone-I,
Greater Chennai Corporation,
No.945, T.H.Road,
Tiruvottiyur, Chennai - 600 019.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for a writ of Certiorarified Mandamus calling for the records of the 3rd Respondent, Zonal Officer in his proceeding Ma.Aa.1.Na.Ka.No.Pa.1/5037/2019 dated 19.09.2019 and quash the same and further direct the Respondents or their Subordinates not to interfere with the petitioner's business of printing digital banners and flex boards.



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For Petitioner : Mr.B.S.Gnanadesikam
for Ms.V.Meenakchi

For Respondents : Mr.V.Jayaprakash Narayanan,
Special Government Pleader
for R1

Mr.K.Soundararajan for R2

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.,]

This Court in continuation and conjunction of the order dated 25.09.2019 is passing the following order.

2.Mr.B.S.Gnanadesikam, learned senior counsel assisted by Ms.V.Meenakshi, learned counsel appearing for the petitioner would submit that the third respondent vide communication dated 22.10.2019 in Ma.Aa.1.Na.Ka.No.Pa.1/5037/2019 had withdrawn the impugned notice, on the ground that notice under Section 326(1) of the Chennai City Municipal Corporation Act 1919 has been wrongly issued.

3.It is fairly stated by the learned senior counsel for the petitioner that in the light of the said development, nothing remains for further adjudication in this writ petition and however he would pray that in case of any fresh cause of action arises with regard to the matter in issue, the petitioner may be granted liberty to avail the remedy open to it under law.

4.Mr.K.Soundararajan, learned Standing counsel appearing for the third respondent has invited the attention of this Court to the counter affidavit dated 19.11.2019 and would submit that the impugned circular/notice dated 22.10.2019 issued by the third respondent has been withdrawn and the petitioner had also applied for licence to carry on the printing press trade and therefore the writ petition has become infructuous and the same is liable to be dismissed.



5. In the light of the said development, as on today nothing remains for further adjudication in this writ petition and therefore, it is dismissed as infructuous. Further, it is made clear that in the event of any fresh cause of action arises on this issue, if the petitioner is so advised and if it is available to him under law, he is always at liberty to avail the said remedy before the competent forum. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary,
Municipal Administration and Water Supply
(MC2) Department,
Fort.St.George, Chennai - 600 009.
2. The Commissioner,
The Corporation of Greater Chennai,
Rippon Buildings, Chennai.
3. The Zonal Officer, Zone-I,
Greater Chennai Corporation,
No.945, T.H.Road,
Tiruvottiyur, Chennai - 600 019.

+1cc to Mr.K.Soundararajan, Advocate Sr.98343

WP.No.28452/2019 &
W.M.P.Nos.28150
& 28154/2019

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srg 10/01/2020