

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2019

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.28672 of 2019

and

W.M.P.No.28435 of 2019

C.Mutupandian @ Muthupandi

...Petitioner

Vs.

1.The Commissioner of Police,
Chennai City,
Office of the Commissioner of Police,
Egmore, Chennai-08.

2.The Assistant Commissioner of Police,
Triplicane Range,
Chennai-600 005.

3.The Inspector of Police,
D-1, Triplicane,
Chennai.

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the Records pertaining to the impugned show cause notice dated 29.05.2019 bearing Ref.No.Rs.No.E3(1)/190/130627/2018 passed by the 1st respondent and quashing the same and consequently directing the 1st respondent to consider the representation of petitioner dated 08.07.2019 for renewal of Public Resort License Bearing No.RC.No.E3(1)/101/33915/2013 dated 26.01.2016 within the time stipulated by this Court and till such time not to interfere with the conduct of cultural dance shows as per Public Resort License Bearing No.RC.No.E3(1)/101/33915/2013 dated 26.01.2016.

For Petitioner : Mr.AR.L.Sundaresan
Senior Counsel
Mr.R.Rajesh Kumar

For Rlto R3 : Mr.C.Iyyapparaj
Additional Public Prosecutor

O R D E R

It is the statement of the learned Senior Counsel for the petitioner that they have applied for a renewal of the licence and have also shifted the place with ample parking facilities and all these aspects were brought to the notice of the first respondent in the reply given to the impugned show cause notice dated 29.05.2019.

2 This Court as well as the Hon'ble Supreme Court in various decisions have held that Article 226 of Constitution of India, should not be normally invoked to quash a show cause notice and that, it would be appropriate to give a reply to the impugned show cause notice on 18.06.2019 along with the two remainders sent thereafter. It is needless to point out that when the respondents herein had prescribed the time limit of 15 days to give reply, there is no justification on their part to consider such a reply in time and keep the decision pending for more than three months. Nevertheless, if the respondents are directed to consider the reply within a stipulated time, the ends of justice could be secured.

3 In the light of the above observations, there shall be a direction to the first respondent to consider the representation as expeditiously as possible, in any event within a period of 4 weeks from the date of receipt of a copy of this order, on its own merits.

4 With the above directions, this Writ petition is disposed of accordingly. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

To

- 1.The Commissioner of Police, Chennai City,
Office of the Commissioner of Police, Egmore, Chennai-08.
- 2.The Assistant Commissioner of Police,
Triplicane Range, Chennai-600 005.
- 3.The Inspector of Police, D-1, Triplicane, Chennai.

+1 cc to M/s.R.Rajesh Kumar, Advocate Sr.No. 84455

AKM/14.10.19/2P-5C /

W.P.No.28672 of 2019
and W.M.P.No.28435 of 2019