

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 18.03.2020
CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.6807 of 2020
and
W.M.P.No.8108 of 2020

K. Palani

... Petitioner

Vs.

- 1.The Revenue Officer,
Greater Chennai Corporation,
Ripon Buildings, Chennai - 600 003.
- 2.The Assistant Revenue Officer, Zone - IX,
Greater Chennai Corporation,
No.1, 4th Cross Street, Lake view Road,
Nungambakkam, Chennai - 600 034.
- 3.K.S. Thirunavukkarasu
- 4.K.S. Jayakumar
- 5.K.S. Gopal
- 6.A. Gomathi
- 7.K.S. Lakshmi

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of writ of certiorari, to call for the records of the impugned notice in notice dated 15.02.2020 on the file of the second respondent and to quash the same and consequentially direct the 1 & 2 respondents not to take any further action of locking and sealing of the shop at Old Door No:57, Pycrofts Road (Bharathi Salai), Triplicane, Chennai - 600 005.

For Petitioner : Mr. Dr. C. Ravichandran
for Mr. V.C. Selvasekaran

For Respondents : Mrs. Karthika Ashok, for R1 & R2
Standing Counsel

O R D E R

This writ petition has been filed challenging the impugned notice issued by the second respondent dated 15.02.2020, calling upon the petitioner to comply with the requirements specified in the licence within a period of seven days and to seek for renewal of licence failing which the eateries that is run by the petitioner will be locked and sealed.

2. The case of the petitioner is that he is a tenant under the private respondents. Originally the property was let out for doing textile business. Thereafter, the petitioner has changed his business and is running an eatery in the premises. The further case of the petitioner is that there is already a landlord tenant dispute between the parties and the landlord is refusing to give him consent for running the business. The further case of the petitioner is that he has been running the business after getting a proper licence from the official respondents till the year 2019.

3. The petitioner has been issued with impugned notice by the second respondent calling upon him to fulfill the requirements of licence and to renew the licence failing which action will be taken in accordance with law. According to the petitioner he is not able to get the renewal of licence since the landlord is not giving consent. Therefore, the notice has been put to challenge in the present writ petition.

4. The learned counsel for the petitioner submitted that the petitioner renewed the licence till the year 2019. The landlord is trying to illegally evict the petitioner and therefore, he is not giving consent for the renewal of licence. The learned counsel further submitted that earlier petitions filed by the landlord to evict the petitioner has been dismissed and therefore the landlord has now resorted to this process of making the corporation to seal the premises and thereby indirectly evict the petitioner. The learned counsel submitted that the petitioner must be given an opportunity to put forth his grievance before the official respondents and the learned counsel submitted that the petitioner is always willing to renew the licence and fulfill the requirements in accordance with the relevant Act and rules.

5. The learned counsel appearing on behalf of the respondent corporation submitted that the petitioner is exceeding the conditions of licence and therefore, the second respondent has proceeded to issue a notice to the petitioner. The learned counsel submitted that there are absolutely no grounds to interfere with the notice issued by the second respondent and if the petitioner does not satisfy with the requirements of licence and fails to give satisfactory explanation to the corporation, the corporation officials will have no other alternative except to take action in accordance with law. The learned counsel therefore submitted that there are no grounds to interfere with the notice issued by the second respondent.

6. This Court has carefully considered the submissions made on either side and perused the materials available on record.

7. The main grievance that has been expressed by the petitioner is that the landlord is putting pressure on the corporation officials and trying to indirectly evict the petitioner. Admittedly in this case, the petitioner is running a Fast Food business in the subject premises. The same is clear from the licence issued by the respondent corporation in the year 2019. The grievance of the petitioner is that he can renew the licence only if the landlord gives consent and without the consent, the corporation is refusing to receive the application for renewal.

8. The impugned notice issued by the second respondent merely states that the petitioner should comply with the requirements of the licence already granted and the petitioner should also renew the licence for the period 2020-2021. The petitioner on receipt of the notice must have approached the second respondent and given his explanation with regard to the dispute between the petitioner and the landlord. Instead the petitioner has chosen to directly come before the Court challenging the notice. This Court is not inclined to interfere with the notice issued by the second respondent to the petitioner.

9. It is left open to the petitioner to go before the second respondent and give his explanation and submit whatever documents are available. The landlord cannot use the corporation to indirectly evict the petitioner and he can evict the petitioner only in accordance with law. In other words corporation should not be used as a tool for eviction. The second respondent shall consider the representation made by the petitioner along with all the available documents and thereafter take a decision in accordance with law within a period of two weeks from the date of receipt of copy of this order. If the petitioner fulfills the requirements for running the Fast Food business, the same may be considered by the second respondent.

10. This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

AT

To

1.The Revenue Officer,
Greater Chennai Corporation,
Ripon Buildings, Chennai - 600 003.

2.The Assistant Revenue Officer, Zone - IX,
Greater Chennai Corporation,
No.1, 4th Cross Street, Lake view Road,
Nungambakkam, Chennai - 600 034.

+1cc to Mr.Karhika Ashok , Advocate SR.No. 24012

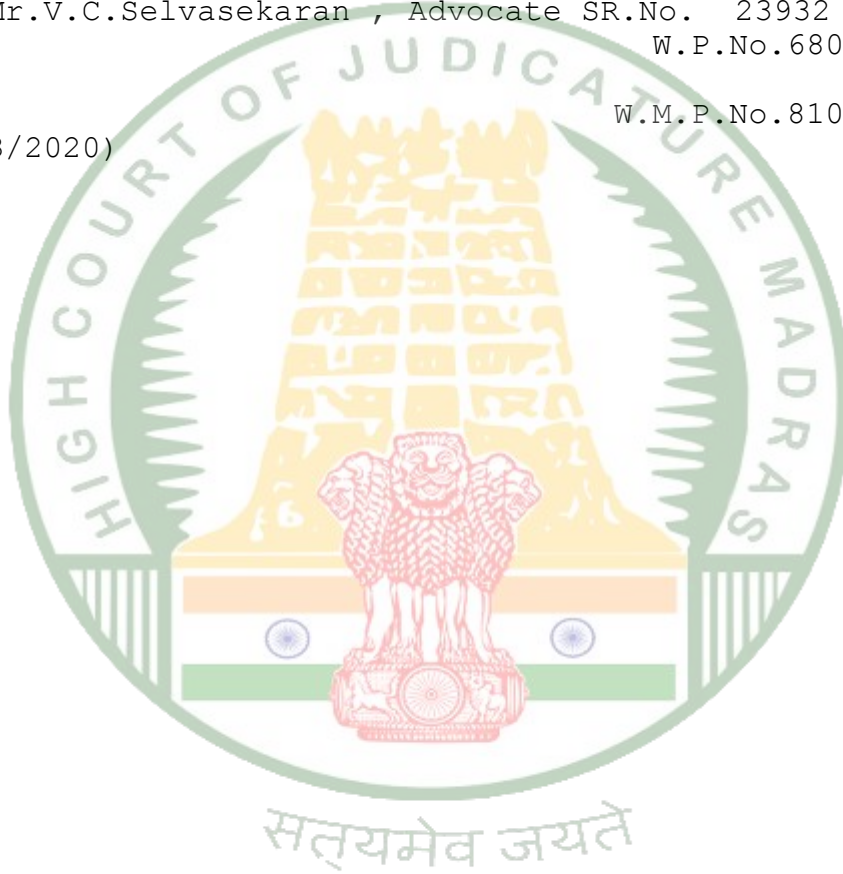
+2ccs to Mr.V.C.Selvasekaran , Advocate SR.No. 23932

W.P.No.6807 of 2020

and

W.M.P.No.8108 of 2020

A.SK(23/03/2020)



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