

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.11.2020

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

WP.No.16930 of 2020
and W.M.P.No.21013 of 2020

Mrs.Shaziya Banu .. Petitioner

Versus

The Commissioner,
Corporation of Chennai,
Chennai 600 003. .. Respondents

Prayer:- Writ petition has been filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the Respondent to remove the seal and open Star Virudhunagar Hotel at No.8/44, Jennis Road, Saidapet, Chennai 600015 and permit the petitioner to carry on the restaurant business.

For Petitioner : Mr.Anil Relwani for Mr.K.Jagannathan
For Respondents : Mr.M.Ganesan, standing counsel
for Chennai Corporation

ORDER

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

The petitioner was carrying on the business of Non Vegetarian Restaurant under the name and style 'Star Virudhunagar Hotel' in a rented premises at Door No.8/44, Jennis Road, Saidapet, Chennai 600 015 and to the shock and surprise, all of a sudden, officials of the Corporation of Chennai, had visited the restaurant premises and issued a notice under Section 279 of the Chennai City Municipal Corporation Act, 1919, stating that running of the said Hotel / Restaurant by the petitioner is without obtaining Trade License, as contemplated under the said provision, calling upon the petitioner to comply with the requirement within 7 days and accordingly, the petitioner had applied for Trade License on 12.11.2020 i.e., on eighth day. However, the officials of the respondents visited the said business premises on 16.11.2020 and without issuing any notice, straight away locked and sealed the premises.

WEB COPY

2. The learned counsel appearing for the petitioner would submit that the petitioner as well as the employees / workers in the said restaurant are

eking out their livelihood by wholly depending upon the said Hotel / Restaurant. Since the act of the concerned official respondents belonging to the Corporation of Chennai is *per se* in violation of the principles of natural justice, prays for interference and also de-sealing of the premises so as to enable the petitioner to run the hotel / restaurant.

3. Mr.M.Ganesan, learned standing counsel accepts notice on behalf of the respondent and would submit that admittedly, the petitioner started running the restaurant / hotel without license and drawn the attention of this Court to Section 379-A(1)(b) of the Chennai City Municipal Corporation Act, 1919 and would submit that in the light of the said provision, it is always open to the officials concerned to prevent continuance of the act, which is being carried on without license and as such, sealing of the premises is perfectly in order.

4. This Court has considered the rival submissions and also perused the materials placed before it.

5. The fact remains that subsequently the petitioner did apply for Trade License and it was received and acknowledged by Zonal Officer, Zone X of Greater Chennai Corporation, Saidapet, Chennai 600 015 on 12.11.2020.

6. This Court, taking note of the submissions made by the learned counsel appearing for the petitioner that it is a small hotel / restaurant and the petitioner as well as the workers employed therein, are eking out their livelihood depending upon the running of the said restaurant, directs the Zonal Officer, Zone X, Greater Chennai Corporation, Saidapet, Chennai 600 015, to consider and dispose of the petitioner's application for Trade License on merits and in accordance with law and pass orders as expeditiously as possible and not later than two weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

WEB COPY

7. The Writ Petition stands disposed of, accordingly. No costs.

Consequently connected miscellaneous petition is closed.

[M.S.N.,J] [R.H., J]
24.11.2020

sk

Internet : Yes/No

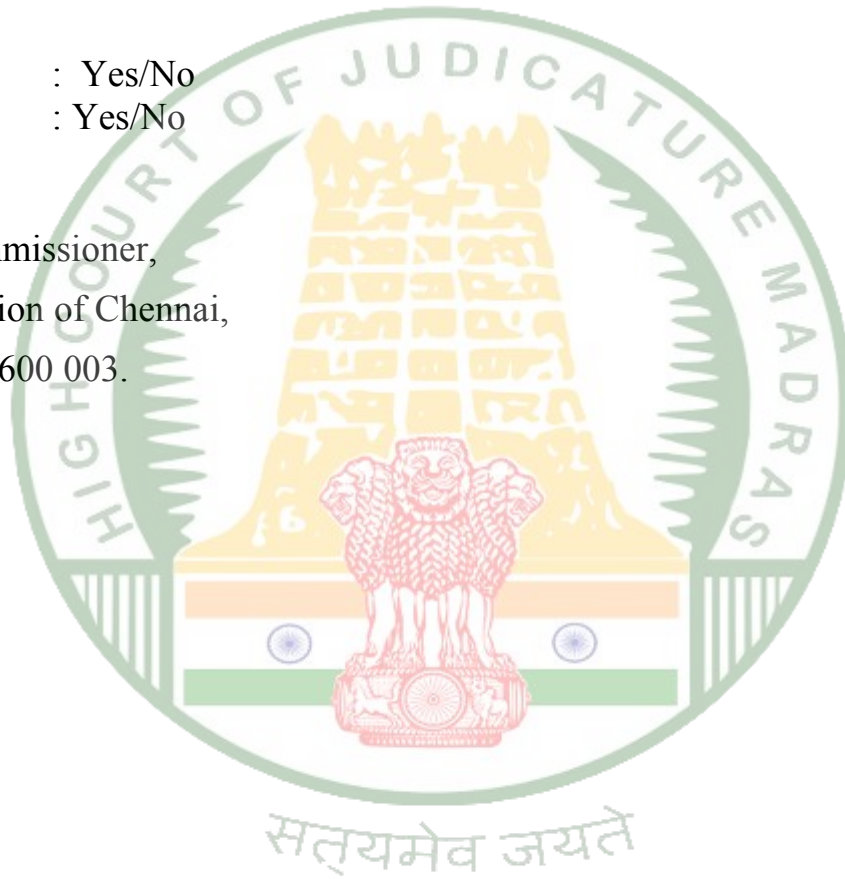
Index : Yes/No

To

The Commissioner,

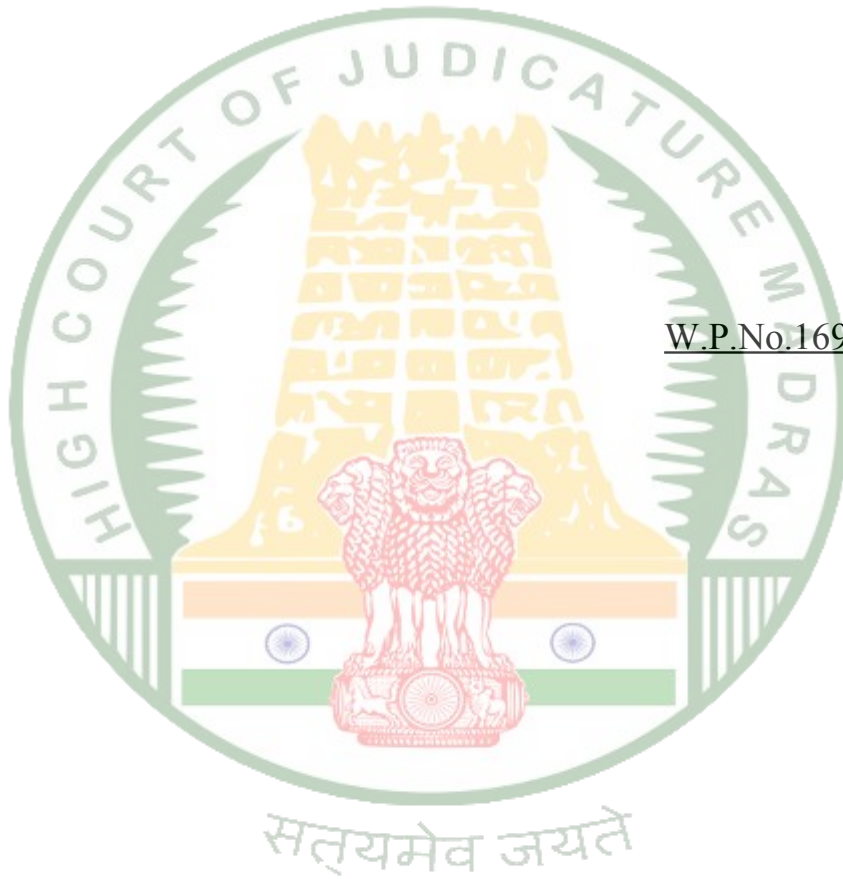
Corporation of Chennai,

Chennai 600 003.



WEB COPY

M.SATHYANARAYANAN, J.,
AND
R.HEMALATHA.,J
sk



W.P.No.16930 of 2020

WEB COPY 24.11.2020