

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.04.2021

Coram

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.26158 of 2011 and

M.P.No.1 of 2011

G.Raguraman

... Petitioner

Vs.

1. The Commissioner, Corporation of Chennai,
Rippon Buildings, Chennai 600 003.

2. The Zonal Officer III, Zone III,
Corporation of Chennai, 153,
Dr. Ambedkar College Road, Pulianthope,
Chennai 600 003.

... Respondents

PRAYER: Writ petition filed under Section 226 of the Constitution of India to issue a Writ of Certiorari or any other appropriate Writ or order calling for the entire records relating to the notice dated 23.08.2011 ending with order bearing No.MA.A.3, Va.Thu.Na.Ka.No.R2/2852/11 dated 01.11.2011 passed by the second respondent cancelling the license granted to the petitioner and quash the same.

For Petitioner

: Ms.S.N.Ilakiya Priya

for M/s H.Naziruden
P.Haribabu

For respondents : Mr.R.Gopinath, Standing Counsel
for the Corporation.

ORDER

This petition has been filed to quash the notice dated 23.08.2011 ending with order bearing No.MA.A.3, Va.Thu.Na.Ka.No.R2/2852/11 dated 01.11.2011 passed by the second respondent cancelling the license granted to the petitioner.

2. According to the petitioner, he is running a tiffin centre in the name of Sri Balaji Tiffin Centre at Door No.49, Strahans Road, Pattalam, Chennai, since 2006 and he had obtained license also for running the above said tiffin centre and the same was renewed periodically upto date. It is the case of the petitioner that he had complied with all the improvements as required by the respondents vide notice dated 23.08.2011, however, the respondents issued a letter dated 01.11.2011 by cancelling the license to run the tiffin centre, which is

valid upto 31.03.2012, stating that the petitioner has not complied with the improvements, as demanded in the notice dated 23.08.2011. Hence, this writ petition.

3. The respondents have filed counter affidavit, wherein it is stated as follows:

Earlier, the license given for running the tiffin centre at No.49, Strahanas Road, (Perambur Barracks), Pattalam, Purasaiwalkam, Chennai 600 012 by the petitioner was cancelled in the year 2012. Thereafter, the petitioner had applied for Trade Licence to run a tiffin centre with an undertaking that he will not prepare the foods items in the said shop and he will only sell the food items, which was prepared by him at difference location. After scrutinizing the application and after getting the clearance from the Health Department, Greater Chennai Corporation, the application has been accorded by the respondents vide licence code 06-073-001094/2013-2014. While the matter stood thus, one Shanbaga Kani has filed a writ petition in W.P.No.255251 of 2013 to take action against the fourth respondent

under section 379(A) of CCMC Act, 1919 who is continue to run the Tiffin Centre in the name and style of “ Annai Tiffin Center” at Door No.49, Strahanas Road, (Perambur Barracks), Pattalam, Chennai 600 012. In the above said writ petition this court vide order dated 08.12.2017, has passed an order as follows:

"3. Though the name of the 4th respondent viz. S.Venkatesan is printed in the cause list, none appeared on his behalf. It is seen that previously, the fourth respondent was running a business in the name and style of ' Balaji Tiffin Centre ' in the premises in question and thereafter, he changed the name of the Tiffin centre as “ Annai Tiffin Centre'. Admittedly, the Tiffin Centre is being run without any authorisation and a notice has already been served on the fourth respondent to vacate the premises. While so, according to the petitioner, even though the name of the Tiffin Centre has been changed, it is still being run by the fourth respondent/Venkatesan.

4. Since the fourth respondent has not complied with any of the conditions in the notice issued by the Corporation, the respondent/ Corporation shall vacate the tiffin centre run by the fourth respondent within 24 hours from the date of receipt of a copy of this order; in which regard, it is open to he respondent to take the assistance of police.

This writ petition is disposed of with the above direction and observation. No costs."

Pursuant to the above said order, the Tiffin Centre was locked and sealed by the officials of the Greater Chennai Corporation on 27.01.2018. Hence, this petition is liable to be dismissed.

4. At this stage, this writ petition has been come for hearing before this court.

5. The respondents have cancelled the license in the year 2012 for running the tiffin centre by the petitioner. Subsequently, in view of the undertaking given by the petitioner as stated above, the application for Trade Licence was accorded by the respondents vide licence Code 06-073-001094/2013-2014. Thereafter, pursuant to the order of this court passed in W.P.No.25251 of 2013 dated 08.12.2017, the tiffin centre run by the petitioner was locked and sealed by the respondents on 27.01.2018.

6. Inview of the order passed by this court in W.P.No.25251 of 2013 dated 08.12.2017, this court cannot quash the impugned orders passed by the respondents, as prayed for in this writ petition. If the petitioner fulfils all the conditions as required by the respondents/ Corporation, it is for the petitioner to make an application before the authority concerned with all the relevant documents to work out his remedy. Hence, no relief is granted to the petitioner in the present writ petition.

7. Accordingly, this writ petition is dismissed. No costs.
The connected miscellaneous petition is closed.

16.04.2021

Index : Yes/No

Internet: Yes/No

Speaking order/Non Speaking order

mst

सत्यमेव जयते
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To

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