

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25/2/2021

C O R A M

THE HONOURABLE Mr.JUSTICE B.PUGALENDHI

Writ Petition No.4238 of 2021

Rezil Cake Shop

rep. By its Proprietor Rajil Vijayan

... Petitioner

Vs

1. The Zonal Officer,
Zone IX,
Corporation of Chennai,
Chennai.

2. The Assistant Revenue Officer,
Zone IX Revenue Department,
Greater Chennai Corporation,
No.1 Lake Area, 4th Cross Street,
Nungambakkam,
Chennai.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records on the file of the first respondent dated 21/1/2021 and the second respondent made in Ma.A.9.Va.Thu.Na.Ka.No.R2/0811/2020 dated 23/1/2021 and quash the both and consequently direct the respondents to remove the seal affixed by them on 25/1/2021 at No.2/2 Greams Road, Thousand Lights, Chennai.

For petitioner ... Ms.Selvi George

For respondents ... Ms.P.T.Ramadevi
Standing Counsel

O R D E R

This Writ Petition has been filed to quash the order, passed by the first and second respondents, dated 21/1/2021 and 23/1/2021, respectively, and consequently, direct the respondents to remove the seal affixed by them, on 25/1/2021, at No.2/2 Greams Road, Thousand Lights, Chennai.

2. The case of the petitioner is that the petitioner's father was running a Confectionary shop, after obtaining necessary licenses from the Greater Chennai Corporation and other statutory bodies and the same has been renewed from time to time. The petitioner's father died on 30/1/2018. The second respondent issued a communication dated 5/1/2021, stating that the license for the shop was renewed in the name of his father and the renewal cannot be made in the name of the deceased person, which is in violation of Rules. It is further stated by the respondents that the license was obtained for running a confectionary shop and now, running a bakery shop, is contrary to the conditions of license. A show cause notice was issued, under Section 326 (c) (3) of the Chennai City Municipal Corporation Act. Even though explanation dated 12/1/2021 was given by the petitioner, the respondents have decided to seal the premises.

3. Heard the learned counsel for the petitioner and the learned Standing Counsel for Corporation.

4. After hearing the arguments advanced on either side, this Court is of the considered view that since the petitioner's family is running the confectionary shop for several decades, the petitioner shall file necessary application for transferring the license in the name of the petitioner and the same shall be considered by the respondent Corporation, within a period of four weeks, from the date of receipt of the application. Till such time, the respondents are directed to desal the premises and permit the petitioner to run the business till the application is decided by them.

5. With the above direction, this writ petition is allowed.
No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

mvs.

To

1.The Zonal Officer,
Zone IX, Corporation of Chennai,
Chennai.

2.The Assistant Revenue Officer,
Zone IX, Revenue Department,
Greater Chennai Corporation,
No.1, Lake Area, 4th Cross Street,
Nungambakkam, Chennai.

+1cc to M/S.Selvi George, Advocate Sr.11653
+1cc to M/s.P.T.Ramadevi, Advocate Sr.11463

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srg 12/03/2021



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