



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.08.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH., J

W.P.No.17313 of 2021

Shameem Ahmed

.. Petitioner

Vs

1. The Assistant Revenue Officer of Zone 9
Greater Chennai Corporation,
No.1, Lake Area, 4th cross street,
Nungambakkam, Chennai 600 034.

2. Syed Umer Sakhaf

3. B.Surendhiran

4. P.Krishnan

5. Janab K.M.Seethi

6. L.Veluchamy

... Respondents

Prayer :: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the 1st respondent herein not to issue license to the 2nd respondent to 6th respondent with expired Non-renewal Tenancy agreement without my knowledge of the petitioner.

For Petitioner : Ms.A.Sajida Meera Rumana

For Respondents : Mr.P.T.Ramadevi
Standing Counsel for R1

O R D E R

This writ petition has been filed for the issue of writ of Mandamus directing the 1st respondent not to renew or issue license to respondents 2 to 6, without getting the no objection from the petitioner, who is the landlord of the subject property.

2. Ms.A.Sajida Meera Rumana, learned counsel for the petitioner submitted that respondents 2 to 6 were inducted as



tenants through various tenancy agreements and these tenancy agreement were only for a period of 11 months. Thereafter, the agreements were not renewed. The learned counsel submitted that the private respondents committed default in payment of rent and steps have also been taken to evict them from the property. The learned counsel further submitted that even though the tenancy was not extended and the private respondents are continuing to commit default in payment of rent, the 1st respondent is issuing license to the private respondents to continue with their business, even without getting a no objection certificate from the petitioner, who is the landlord of the property. The learned counsel therefore submitted that the petitioner went to the office of the 1st respondent on 02.08.2021 and requested that the license must not be issued / renewed without getting the concurrence of the petitioner. Since the same was not considered, the present writ petition has been filed before this Court seeking for appropriate directions.

3. The learned counsel appearing on behalf of the 1st respondent corporation submitted that insofar as the issuance of license is concerned, the no objection certificate of the landlord of the property is mandatory only while issuing a fresh license to conduct a business in the property. Insofar as the renewal of license is concerned, the no objection certificate of the landlord is not required and the license is renewed, if the licensee satisfies all the other conditions.

4. In the considered view of this Court, the private respondents were inducted in the property by virtue of independent lease agreements entered into with the petitioner. There seems to be some dispute between the petitioner and the private respondents and the petitioner has also taken steps to evict them on the ground that they have wilfully defaulted in the payment of rent. All the private respondents are carrying on with some business in the subject property. Obviously, the initial license was issued to them by the 1st respondent at the time when they were inducted into tenancy and they got the no objection from the landlord. Insofar as the renewal of license is concerned, the 1st respondent cannot insist for the no objection certificate and the renewal is made provided the license satisfies all the other requirements.

5. If no objection certificate is insisted even for a renewal of license, in all cases where there is a strained relationship between the landlord and tenant, the tenant will never be able to continue with the business. This will in a way encourage eviction of a tenant by directly interfering with his livelihood. That is the reason why the 1st respondent does not insist for the no objection certification, when it comes to renewal of the license.



6. In view of the above, it is left open to the petitioner to proceed further against the private respondents before the appropriate forum for eviction if they have committed wilful default in payment of rent. However, the relief as sought for by the petitioner cannot be granted by this Court, since it will result in indirect eviction. Except giving this clarity, no further orders can be granted by this Court.

7. This writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar (CS-II)

//True copy//

Sub Assistant Registrar

rka

To

The Assistant Revenue Officer of Zone 9
Greater Chennai Corporation,
No.1, Lake Area, 4th cross street,
Nungambakkam, Chennai 600 034.

+1cc to Mr.P.T.Ramadevi, Advocate SR.No.41599

+1cc to Mr.C.V.Kumar, Advocate SR.No.41978

W.P.No.17313 of 2021

PCH(CO)
GMY(09/09/2021)