



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. Nos.22076, 22100, 22105, 22111, 22115, 22086, 22091, 22095,
22097, 22245, 22249, 22251, 22240 & 22243 of 2021
& W.M.P.Nos.23295, 23304, 23309, 23312, 23455, 23456, 23316,
23325, 23320, 23462, 23331, 23334, 23454 & 23460 of 2021

W.P.No.22076 of 2021

Kanakaraj	...Petitioner in WP.No.22076 of 2021
Murthi.B	...Petitioner in WP.No.22086 of 2021
Guru Murthi.N.R	...Petitioner in WP.No.22091 of 2021
Ghias Basha	...Petitioner in WP.No.22095 of 2021
Selvam.K	...Petitioner in WP.No.22097 of 2021
Arumugam.D	...Petitioner in WP.No.22100 of 2021
Thinesh.S	...Petitioner in WP.No.22105 of 2021
Manoharan	...Petitioner in WP.No.22111 of 2021
Manokaran.S	...Petitioner in WP.No.22115 of 2021
Lakshmi.B	...Petitioner in WP.No.22240 of 2021
Mathi.S	...Petitioner in WP.No.22243 of 2021
Karthikeyan.A	...Petitioner in WP.No.22245 of 2021
Veerapatheran.K	...Petitioner in WP.No.22249 of 2021
Arul Dass.M	...Petitioner in WP.No.22251 of 2021

-Vs-

1. The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai - 600 003.

2. The District Revenue Officer,
Zone-IX, Revenue Department,
Greater Chennai Corporation,
4th Street, Lake Area,
Nungambakkam,
Chennai - 600 034.

3. The Assistant Revenue Officer,
Zone-IX, Revenue Department,
Greater Chennai Corporation,
4th Street, Lake Area,
Nungambakkam, Chennai - 600 034.

...Respondents 1 to 3 in all WPs



Loganathan

Suresh Kumar

Prakash Bai

P.Ramesh Kumar

...4th Respondent in WP.Nos.22086/21,22095/21,
22097/21,22100/21 and 22105/21
...4th Respondent in WP.No.22091/21
...4th Respondent in WP.Nos.22076/21,22249/21,
22251/21 and 22111/21 and 22115/21
...4th Respondent in WP.Nos.22240/21 and
22243/21 and 22245/21

Prayer: Writ Petitions filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd respondent and 3rd respondent to consider the new trade license application submitted with the respondents expeditiously and consequentially direct the respondents to issue the Trade license.

For Petitioner : Mr.N.Harinarayanan
in all W.Ps

For Respondents : Ms.P.T.Ramadevi
in all W.Ps Standing Counsel for R1 to R3

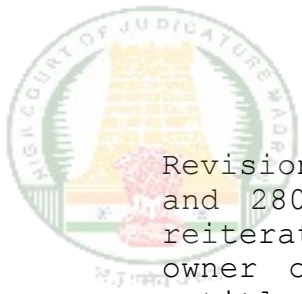
Mr.Siddarth Bahety for R4

O R D E R

All these writ petitions have been filed seeking for issue of writ of mandamus directing the respondent Corporation to process the applications submitted by the petitioners wherein the petitioners have sought for the issuance of trade license.

2.When the matter came up for admission on 20.10.2021, this Court directed the learned Standing Counsel appearing on behalf of the Corporation of Chennai to take instructions and report before this Court. In the meantime, notice was also ordered to the 4th respondent.

3.When the matter was taken up for hearing today, it was brought to the notice of this Court that there is a dispute pending between the 4th respondent and the Ashraf Ali Sha & Fard Ali Sha Trust with regard to the right over the subject property. The learned counsel appearing on behalf of the 4th respondent submitted that the land belongs to the said Trust and it was leased in favour of the 4th respondent. The 4th respondent is the owner of the super structure and the same is borne out by documents. The learned counsel further submitted that the super structure was leased to the petitioners to conduct small scale business. It was further submitted that the right over the property is now pending before the Waqf Tribunal in O.S.Nos.3182, 3183, 3184 and 3185 of 2014. That apart, a Civil



Revision Petitions are pending before this Court in CRP.Nos.2808 and 2809 of 2019. The learned counsel for the 4th respondent reiterated the fact that it is the 4th respondent who is the owner of the super structure and hence the 4th respondent is entitled to lease the super structure to the petitioners. That apart, the 4th respondent does not have any objections in granting the trade license in favour of the petitioners.

4.The learned counsel for the petitioners submitted that the petitioners are not getting into the dispute between the 4th respondent and the Trust. The petitioners are willing to get the No Objection Certificate either from the 4th respondent or from the Trust and they want the respondent Corporation to process the application for trade license. The learned counsel submitted that the premises has been kept under lock and seal and it involves the livelihood of the petitioners. Therefore, the learned counsel for the petitioners requested this Court to direct the respondent Corporation to process the application and in the meantime to remove the lock and seal that has been put up in the property.

5.The learned Standing Counsel appearing on behalf of the respondent Corporation submitted that the 3rd respondent has received an objection from the Trust through letter dated 20.09.2021 wherein, the Trust has taken a very categorical stand that no trade license should be issued for the shops since the property belongs to the Trust. The learned Standing Counsel submitted that in view of the dispute between the Trust and the 4th respondent, the Corporation is not in a position to process the applications. It was further submitted that the petitioners cannot be allowed to run the business without obtaining the trade license from the respondent Corporation. Therefore, the learned counsel sought for the dismissal of these writ petitions.

6.In the considered view of this Court, the petitioners cannot run the business without obtaining a trade license from the Corporation of Chennai. There is a dispute between the 4th respondent and the Ashraf Ali Sha & Fard Ali Sha Trust. The dispute is now pending before the competent forum. The petitioners have submitted applications seeking for trade license. The petitioners are willing to get the No Objection Certificate either from the 4th respondent or from the concerned Trust. They do not want to get into the dispute and they are more interested in carrying on with the business which is their livelihood.

7.In view of the above, it is left open to the petitioners to approach the concerned Trust and seek for No Objection Certificate. The dispute with regard to the right over the property that is pending between the 4th respondent and the Trust



will be independently dealt with by the competent forum. This arrangement is made taking into consideration the fact that it involves the livelihood of the petitioners who have lost their income due to the locking and sealing of the premises. On obtaining the No Objection Certificate, it is left open to the 3rd respondent to process the applications submitted by the petitioners. Once the applications are processed, the lock and seal shall be removed and the trade license shall be issued in favour of the petitioners.

8.All these writ petitions are disposed of with the above directions. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai - 600 003.
2. The District Revenue Officer,
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Greater Chennai Corporation,
4th Street, Lake Area,
Nungambakkam,
Chennai - 600 034.
3. The Assistant Revenue Officer,
Zone-IX, Revenue Department,
Greater Chennai Corporation,
4th Street, Lake Area,
Nungambakkam,
Chennai - 600 034.

+14ccs to M/s.P.T.Ramadevi, Advocate, S.R.Nos.54887,55568,55569,
55570,55571,55572,55573,55574,55575,55576,55580,55581,55582,55583

+5ccs to M/s.Siddarth Bahety, Advocate, S.R.Nos.55210,55211,
55212,55213,55214.



+14ccs to M/s.Lavanesh, Advocate, S.R.Nos.55146,55147,55148,55149,
55150,55151,55152,55153,55154,55155,55156,55157,55158,55159,

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23331, 23334, 23454 & 23460 of 2021

SMI [co]
NSK 25/11/2021