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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2021

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.NO.26628 OF 2021

AND

W.M.P.NOS.28075 AND 28076 OF 2021

R.A.Bags Propreitor,
Rakkappan Karthik,
No.3/1, 3rd Cross Lane,
Dr.B.Narasimhan Road,
T.Nagar,
Chennai - 600 017.

... Petitioner

-vs-

1. The Commissioner,
Greater Chennai Corporation,
Rippon Building Campus,
Chennai - 600 003.
2. District Revenue Officer/Zonal Officer IX,
Greater Chennai Corporation,
Lake Area, 4th Cross Street,
Nungambakkam,
Chennai - 600 034.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for the records on the file of the 2nd respondent pursuant to the lock and seal notice issued vide proceedings No.ம.அ.9வது.நா.கா.எண்.ஆர் 3/11171/2021 dated 03.12.2021 along with the notice under Section 379(A)(1) dated 03.12.2021 and quash the same and consequently direct the 2nd respondent to remove the lock and seal of my premises done by him on 06.12.2021.

For Petitioner : Mr.D.Sasikumaran

For Respondents : Mrs.P.T.Ramadevi
Standing counsel



ORDER

The prayer sought for herein is for a Writ of Certiorari Mandamus calling for the records on the file of the 2nd respondent pursuant to the lock and seal notice issued vide proceedings No. ம.அ.9வது.நா.கா.எண்.ஆர் 3/11171/2021 dated 03.12.2021 along with the notice under Section 379(A)(1) dated 03.12.2021 and quash the same and consequently direct the 2nd respondent to remove the lock and seal of petitioner's premises done by him on 06.12.2021.

2. The petitioner is running a family business, where wholesale bags are being stitched in the premises, where only family members are involving. Therefore, the petitioner had not taken any trade license from the respondent Municipal Corporation to run the said business. However, when some complaints had been received by the respondent Corporation that, the said business is being run by the petitioner without the trade license from the respondent Corporation, the respondent Corporation on 11.10.2021 had issued a demand letter that, unless the petitioner takes a trade license under the provisions of the Chennai City Municipal Corporation 1919 Act (in short hereinafter 'the Act'), further action would be taken against the petitioner to close the business.

3. Subsequently, the petitioner, in response to the said demand letter of the respondent Corporation, dated 11.10.2021, has made an application to get the trade license on 27.10.2021 and along with the same, necessary fee for a sum of Rs.5,000/- was also made by the petitioner by way of Demand Draft for processing the trade license application and also for granting license to the petitioner business. When that being so, all of a sudden, the impugned communication dated 03.12.2021 has been issued, under which provision under Section 379(A)(i) of the Act has been invoked by the respondent Corporation stating that, since the petitioner is running the business without the trade license, within 24 hrs, the business shall be closed and all the business materials available in the business premises shall be evacuated. Aggrieved by the said order dated 03.12.2021, the petitioner is before this Court with this writ petition.

4. Heard Mr.D.Sasikumaran, the learned counsel for the petitioner, who, having reiterated the aforesaid, would submit that, when the petitioner has already responded to the demand letter of the respondent dated 11.10.2021, by making an application on 27.10.2021 along with necessary fees to take the trade license, without processing the same and without granting the trade license to the petitioner, by invoking Section 379(A)(i) of the Act the respondent Corporation has passed the



9. Hence in the aforesaid circumstances, this Court feels that, the said application dated 27.10.2021 can very well be processed by the respondent Corporation at the earliest and on merits, the same shall be decided. Till such time, the business run by the petitioner can be permitted to run and once any decision adversely taken by the respondent Corporation on the application made by the petitioner depending upon the outcome, the further action or consequential action under Section 379(A) (1) can very well be taken by the respondent Corporation. In that view of the matter, this Court is inclined to pass the following order:

"(i) That the application submitted by the petitioner dated 27.10.2021, shall be immediately processed by the respondent Corporation and in this regard if any further input is required from the petitioner, a notice to that effect also be given and if a spot inspection is required, that also can be undertaken by the respondent Corporation and after having undertaken all these exercise, the application shall be decided on merits and final order shall be passed within a period of 4 weeks from the date of receipt of a copy of this order;

(ii) Till such disposal of the application, the present running of the petitioner's business need not be interfered with by the respondent Corporation;

(iii) It is made clear that, ultimately if the application of the petitioner is decided in favour of the petitioner, there could be no impediment for the petitioner to run the business. However, if it is decided against the petitioner on merits pursuant to the outcome of such decision to be made in this regard by the respondent, it is open to the respondent Corporation to pursue further action in response to the or in pursuance to the impugned communication dated 03.12.2021. Till such time, the impugned communication shall be kept in abeyance ; and

(iv) In view of the above, there shall be a direction also to the respondent Corporation to de-seal the premises, which has already been sealed, pursuant to the impugned notice and such action shall be taken immediately allowing the petitioner to run the business.

10. With these observations and directions, this writ petition is disposed of. No costs. Consequently, connected



miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-II)

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//True Copy//

Sub Assistant Registrar

rap/RR

To

1. The Commissioner,
Greater Chennai Corporation,
Rippon Building Campus,
Chennai - 600 003.
2. District Revenue Officer/Zonal Officer IX,
Greater Chennai Corporation,
Lake Area, 4th Cross Street,
Nungambakkam,
Chennai - 600 034.

+1cc to Mr.D.Saikumaran, Advocate, S.R.No.66437

+1cc to M/s.P.T.Ramadevi, Advocate, S.R.No.66524

W.P.No.26628 of 2021

SPD (CO)
RLP (11/02/2022)