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W.P.No.11768 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2023

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.11768 of 2021

R.Senthil Kumar

...Petitioner

Vs.

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

2.The Revenue Officer,
Corporation of Chennai,
Zone No.IV,
No.266, T.H.Road,
Old Washermenpet,
Chennai-600 021.

3.M.Palani

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 3rd respondent herein to consider and pass appropriate orders on the representation dated 24.05.2023 sent by the petitioner by fixing a time limit as stipulated by this Court.



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W.P.No.11768 of 2021

For Petitioner : Mr.K.Bommuraj
For Respondents 1 & 2 : Mr.D.B.R.Prabhu
Standing Counsel for GCC
For respondent 3 : No appearance

ORDER

The petitioner seeks a direction to the 1st and 2nd respondents to de-seal the shop situated in ground floor bearing old Door No.5C/2, New No.3 SIDCO Main Road, K.K.D Nagar, Kodungaiyur, Chennai.

2. According to the petitioner, he is the owner of the shop mentioned above. Originally, the petitioner let out the shop to one Unnikrishnan and he, without the knowledge of the petitioner sub-let the same to the 3rd respondent herein. According to the petitioner, there is no privity of contract between him and the 3rd respondent. The 2nd respondent sealed the shop on 13.03.2018 on the ground that the 3rd respondent is running a tea shop without trade license from 1st respondent.



WEB COPY

3. It appears that the 3rd respondent filed a writ petition before this Court in W.P.No.7237 of 2018 for de-sealing the premises and the same was disposed with a direction to the 1st respondent to consider the request for de-sealing on merits.

4. Mr.D.B.R.Prabhu, learned Standing Counsel(GCC) takes notice for the 1st and 2nd respondents. On instructions, he submits that the representation submitted by the 3rd respondent was disposed against him and as he failed to produce any valid rental agreement or NOC from the owner of the premises.

5. In spite of service of notice, nobody entered appearance for the 3rd respondent and there is no representation for the 3rd respondent.

6. The learned counsel for the petitioner submits that the petitioner is ready to give an undertaking to the 2nd respondent to the effect that he would take responsibility for the belongings of the 3rd respondent in the above mentioned shop. If such an undertaking is given to the satisfaction of the 2nd



W.P.No.11768 of 2021

respondent, the 2nd respondent is directed to de-seal the premises and handover the possession to the petitioner.

7. With the above directions, this writ petition is disposed of. No costs.

24.07.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
nr

To
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WEB COPY



W.P.No.11768 of 2021

S.SOUNTHAR, J.
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W.P No.11768 of 2021

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