



W.P.No.25477 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **25.01.2023**

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

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W.M.P.No.21802 of 2016

M/s.Spellbound,
Represented by its Sole Proprietor Mr.K.N.Reddin,
No.32, Elliot's Beach Road,
Besant Nagar, Chennai - 600 090.

.. Petitioner

Vs.

1. The Corporation of Chennai,
represented by its Commissioner,
Ripon Buildings.
2. The District Revenue Officer / Assistant Commissioner Zone 13,
Corporation of Chennai, No.115,
Dr.Muthulakshmi Salai, Adyar,
Chennai- 600 020.
3. Har Sahay Meena, I.A.S.,
Managing Director,
Tamil Nadu Tourism and Development Corporation,
Tourism Complex, Wallajah Road,
Chennai - 600 002.
4. Mrs.Kavita Ramu,
General Manager,
Tamil Nadu Tourism and Development Corporation,
Tourism Complex, Wallajah Road,
Chennai 600 002.

5. P.Thamizh



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The District Revenue Officer / Assistant Commissioner Zone 13,
Corporation of Chennai,
No.115, Dr.Muthulakshmi Salai, Adyar,
Chennai - 600 020.

.. Respondents

Prayer : Writ Petition has been filed under Article 226 of the Constitution of India seeking a Writ of Certiorari calling for the records of the 2nd respondent pertaining to orders dated 18.07.2016 and 19.07.2016 in Z.O.13.R.D.C.No.R6/772/2016 and quash the same.

For Petitioner : Mr.Richardson Wilson

For Respondents 1,2&5 : Mrs.P.T.Ramadevi

For Respondents 3 & 4 : Mr.K.M.D.Muhilan
Additional Government Pleader

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ORDER

This writ petition has been filed challenging the impugned notice dated 19.07.2016, mainly on the ground that no licence is required under Section 287 of the Chennai City Municipal Corporation Act, 1919.

2. The learned counsel appearing for the petitioner submitted that the petitioner is not running any hotel or eatery in the amusement park and if



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somebody is running a hotel or eatery it is well open to the respondents to take action as per law.

3. Counter has been filed by the fifth respondent wherein in paragraph 5 it is stated as follows:

"5. I respectfully submit that the petitioner is running an Amusement Park in the name and style Spellbound at Besant Beach and inside the premises of the said park the petitioner has let out Marry Brown and Sri Nandhi snack bar without any valid licence from the Revenue Authorities. Therefore, a Notice under Section 279 of Chennai City Municipal Corporation Act, 1919 dated 23.05.2016 was issued to both the shops and instructed to obtain a licence within 7 days from the receipt of the notice. Moreover, the petitioner running the said Spellbound Amusement Park without obtaining any valid licence from the competent authorities and issued notice on 12.07.2016."

4. Further, the learned counsel appearing for the respondents has fairly submitted that amusement park activities does not come under Section 287 read with Schedule VI of the Chennai City Municipal Corporation Act,



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1919 and further submitted that notice issued under Section 279 will not be valid in the eye of law.

5. As far as running of hotel is concerned it is the contention of the learned counsel appearing for the respondents that the petitioner is running hotels which has been stoutly denied by the learned counsel appearing for the petitioner. Further while issuing show cause notice, the petitioner has not been put into notice about the violation under Section 279 and only in the final order action has been taken under Section 279. When the petitioner has stoutly denied the running of the hotel, the impugned order has to go and it is well open to the respondents to take action as per law against any person who is running the hotel. Accordingly this writ petition is allowed and the impugned order is set aside. Consequently, the connected miscellaneous petition is closed. No costs.

25.01.2023

Index : Yes / No
Neutral Citation : Yes / No
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To

1. The Commissioner,
Corporation of Chennai,
Ripon Buildings, Chennai.



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2. The District Revenue Officer / Assistant Commissioner Zone 13,
Corporation of Chennai, No.115,
Dr.Muthulakshmi Salai, Adyar,
Chennai- 600 020.
3. The Managing Director,
Tamil Nadu Tourism and Development Corporation,
Tourism Complex, Wallajah Road,
Chennai - 600 002.
4. The General Manager,
Tamil Nadu Tourism and Development Corporation,
Tourism Complex, Wallajah Road,
Chennai 600 002.
5. The District Revenue Officer / Assistant Commissioner Zone 13,
Corporation of Chennai,
No.115, Dr.Muthulakshmi Salai, Adyar,
Chennai - 600 020.



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N.SATHISH KUMAR, J.

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