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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.11812 of 2023
and W.M.P. No.11717 of 2023

M.Sathish

Petitioner

VS.

1.The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai.

2.The Zonal Officer,
Zone-7,
Greater Chennai Corporation,
Ambattur,
Chennai – 600 057.

3.The Zonal Health Officer,
Zone-7,
Greater Chennai Corporation,
Health Department, Ambattur,
Chennai – 600 057.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent dated 06.12.2022 and quash the same in view of the unconditional undertaking of the petitioner dated 27.01.2023 and consequently direct the 2nd respondent to de-seal the premises situate at Door No.157-A, Srinivasa Street, Golden George Nagar, Mugappair, Chennai.



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For Petitioner : Mr.P.Dinesh Kumar

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

ORDER

This writ petition has been filed challenging the action taken by the Chennai Corporation under the Chennai City Municipal Corporation Act, 1919 locking and sealing the subject property and for a consequential direction to the Corporation to de-seal the premises on the basis of the unconditional undertaking given by the petitioner on 27.01.2023.

2.The case of the petitioner is that he is the absolute owner of the property in Door No.157A, Srinivasa Street, Golden George Nagar, Mugapair, Chennai. The petitioner is claiming a title through a registered Sale Deed dated 29.11.2002. The petitioner seems to have run a Fast Food and Fruit Stall without getting any license from the Corporation. In view of the same, the Corporation took action in sealing the premises by issuing the impugned notice dated 06.12.2022. The petitioner has given an unconditional undertaking on 27.01.2023 that he will not carry on with any commercial activity and requested the Corporation to de-seal the property. Since the same was not acted upon, the present writ petition has been filed before this Court seeking for appropriate directions.



3. Heard Mr.P.Dinesh Kumar, learned counsel appearing on behalf of the petitioner and Mrs.P.T.Ramadevi, learned Standing Counsel appearing on behalf of the respondents.

4. On carefully going through the undertaking given by the petitioner on 27.01.2023, it can be seen that the petitioner has undertaken to the Corporation that he will not run any Fast Food or Fruit Stall in the subject property and had requested the Corporation to de-seal the property.

5. The learned Standing Counsel appearing on behalf of the Corporation submitted that if the petitioner wants to run the Fast Food and Fruit Stall, he must make an application before the Corporation and get a trade license and without doing the same, the petitioner cannot undertake a commercial venture in the subject property. The learned Standing Counsel therefore submitted that there is absolutely no ground to interfere with the action taken by the Corporation and that the same is strictly in accordance with law.

6. There is no dispute with regard to the fact that the petitioner is the owner of the subject property. If the petitioner is not going to run the fast food and fruit stall in the subject property, there is no reason as to why the petitioner cannot be given possession of the property. If in case, the petitioner wants to run any business in the



subject property, he has to necessarily make an application before the Corporation which will be considered in accordance with law and after getting the license, it will be left open to the petitioner to run the business for which permission is granted by the Corporation.

7. In the light of the above discussion, there shall be a direction to the 2nd respondent to act upon the undertaking given by the petitioner on 23.01.2023 and de-seal the premises immediately. After the de-sealing of the property, if the petitioner runs any business without permission, it is always left open to the respondents to once again seal the property. It is also left open to the petitioner to apply for license and get the permission and thereafter, carry on with the business. The process of de-sealing shall be completed, within a period of one week from the date of receipt of copy of this order.

8. This writ petition is disposed of with the above directions. No Costs. Consequently, connected miscellaneous petition is closed.

19.04.2023

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



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N. ANAND VENKATESH, J.

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