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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2023

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.12632 of 2023

P.T.Alikoya

Petitioner

VS.

- 1.The Commissioner,
Greater Chennai Corporation,
Rippon Building, Chennai – 9.
- 2.The Revenue Officer,
Greater Chennai Corporation,
Rippon Building, Chennai – 9.
- 3.The Assistant Revenue Officer,
Corporation of Chennai,
Zone-IV, T.H.Road, Chennai – 21.
- 4.E.S.Sahmeem Sulthana

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, direction to take action on the petitioner's complaint dated 10.03.2023 to the respondents 1 to 3 in a time period.

For Petitioner : Mr.P.Sidharthan

For Respondents : Mrs.P.T.Ramadevi
Standing Counsel for R1 to R3

**ORDER**

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This writ petition has been filed for issue of writ of mandamus directing the respondent Corporation to act upon the complaint given by the petitioner on 10.03.2023 and to proceed further in accordance with law.

2.The case of the petitioner is that he is the owner of the subject property. A portion of the property was leased in favour of the 4th respondent in the year 2021. The 4th respondent is running a tea shop in the name and style of India Tea Shop even without obtaining any trade license from the Corporation. That apart, the 4th respondent was also creating nuisance and the petitioner requested the 4th respondent to vacate the shop and in spite of the promise made by the 4th respondent to vacate, the 4th respondent is continuing to do the business without any permission. Hence, the petitioner gave a complaint to the Corporation on 10.03.2023 to take action. Since the same was not acted upon, the present writ petition has been filed before this Court.

3.Heard Mr.P.Sidharthan, learned counsel appearing on behalf of the petitioner and Mrs.P.T.Ramadevi, learned Standing Counsel appearing on behalf of the respondents 1 to 3.



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4.The learned Standing Counsel appearing on behalf of the Chennai Corporation submitted that the petitioner had entered into a rental agreement on 27.04.2021 with one Ms.Veki Priya and based on the same, the said Veki Priya applied for trade license and it was granted in her favour. Based on the trade license that were issued, the said Veki Priya is doing business in the portion of the subject property. The learned Standing Counsel therefore submitted that as per their records, the 4th respondent is not the lessee, who is running the shop in the subject property.

5.The learned counsel for the petitioner submitted that his client had received a notice from the City Civil Court, Chennai, wherein, the said Veki Priya has instituted a suit in O.S.No.2116 of 2023 against the petitioner and the 4th respondent. In the said suit, the said Veki Priya has also filed an interim application seeking for an order of injunction. The learned counsel submitted that the matter has been posted before the XIX Assistant Judge, today. It was further submitted that as per his instructions, the petitioner did not enter into any rental agreement with the above said Veki Priya.

6.In the considered view of this Court, the dispute with regard to the actual tenant who is running the tea shop in the subject property has to be first determined.

The learned Standing Counsel appearing for the Corporation has submitted that Veki

Priya has been given the trade license based on the rental agreement entered into



between the petitioner and Veki Priya. Hence, as on today, it is claimed that only Veki Priya is running the tea shop. The very entering into agreement with Veki Priya is denied by the learned counsel for the petitioner. This issue cannot be gone into either by this Court or by the respondent Corporation. The case is now pending before the competent Civil Court and it will be just and proper for the Civil Court to get into this issue. Based on the further orders passed in the pending proceedings before the Civil Court, it is left open to the petitioner to approach the Chennai Corporation. Except giving this clarity, no further orders are required to be passed in this writ petition.

7.This writ petition stands disposed of accordingly. No Costs.

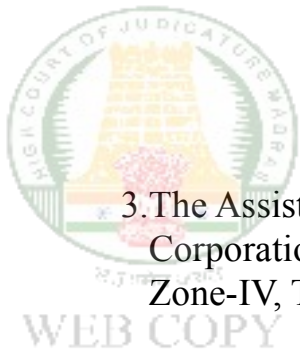
25.04.2023

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

To

1.The Commissioner,
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Rippon Building, Chennai – 9.

2.The Revenue Officer,
Greater Chennai Corporation,
Rippon Building, Chennai – 9.



3. The Assistant Revenue Officer,
Corporation of Chennai,
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N. ANAND VENKATESH, J.

SSR

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