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1

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2023

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.15017 of 2023
and WMP No.14555 of 2023

CIT Colony Residents Welfare Association (Regd)
Represented by its Hony. Secretary
Mr.Ramadas Naik having its administrative office
at No.4, 2nd Cross Street,
CIT Colony,
Mylapore, Chennai 600 008

Petitioner

vs.

- 1 The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarjan Buildings, No.1,
Gandhi Irwin Road, Egmore, Chennai - 600 008.
- 2 The Commissioner,
Greater Chennai Corporation, Ripon Buildings ,
E.V.R.Periar Salai , Park Town, Chennai - 600 003.
- 3 The Zonal Officer,
Zone-9, Greater Chennai Corporation, No. 8,
4th cross Street, Lake Area, Nungambakkam
Chennai - 600 034.
- 4 The Executive Engineer,
Greater Chennai Corporation, Ward 119, Zone 9,
No. 9, 6th Cross Street, C.I.T. Colony



Mylapore , Chennai -600 004.

- 5 The Chairman and Managing Director,
Tamil Nadu Pollution Control Board ,
No. 76, Mount Salai, Guindy, Chennai - 600 032.
- 6 Kayilar Canteen,
Rep. by its Proprietor, New No. 9, 1st Main Road,
C.I.T. Colony, Mylapore, Chennai - 600 004.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for directing the second respondent not to issue a license to the Sixth Respondent to run a Restaurant/Canteen in premises No. 9 , 1st Main Road, C.I.T. Colony, Mylapore, Chennai - 600 004 in the name of Kaylir Canteen or any other name.

For Petitioner : Mr.T.V.Sekar

For Respondents : Mrs.R.Revathy
Standing counsel for R1
M/s.P.Prithvi Chopda
Standing Counsel for R2 to R4
Mrs.Shanmugavalli Sekar
Standing counsel for R5
Mr.M.V.Swaroop for R6

ORDER

This writ petition has been filed by CIT Colony Residents Welfare Association for the issue of writ of Mandamus forbearing the 2nd respondent viz., the Chennai Corporation from issuing any trade



license to the 6th respondent, who is proposing to run a restaurant / canteen in the subject property.

2. Heard Mr.T.V.Sekar, learned counsel for the petitioner and Mrs.R.Revathy, learned Standing counsel for 1st respondent, M/s.P.Prithvi Chopda, learned Standing Counsel for respondents 2 to 4, Mrs.Shanmugavalli Sekar, learned Standing counsel for 5th respondent and Mr.M.V.Swaroop, learned counsel for 6th respondent.

3. The case of the petitioner is that CIT colony falls within the primary residential zone as per the Tamil Nadu Development Control Rules. The complaint of the petitioner is that the 6th respondent without getting any sanctioned plan, has renovated a residential house into a restaurant consisting of ground and two floors and has named it as “Kaylir Canteen”. That apart, the 6th respondent has also applied for trade license with the Chennai Corporation. Immediately, on coming to know of the same, the petitioner association gave their objections and since the same was not considered and steps were taken by the 6th respondent to open the restaurant / canteen, the present writ petition



has been filed before this Court.

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4. The learned Standing Counsel appearing on behalf of Chennai corporation submitted that the application made by the 6th respondent has been received and that the Corporation is yet to take a decision on the same. It was submitted that the Corporation Officials will make an inspection and consider the application given by the 6th respondent and while undertaking this process, the objections given by the petitioner association will also be taken into consideration. It is only after completing this process, a final decision will be taken with regard to the issuance of trade license to the 6th respondent to run the restaurant / canteen.

5. The learned counsel appearing for 6th respondent submitted that this writ petition is pre-matured and the petitioner association has approached this Court to decide an issue, which is already under consideration by the Chennai Corporation. It was further submitted that by virtue of the interim orders passed by this Court, the entire process has come to a stand still and the 6th respondent has been put



No costs. Consequently, the connected miscellaneous petition is closed.

12.06.2023

Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation case : Yes

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To

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N. ANAND VENKATESH, J.



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7



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