



W.P.No.9791 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P. No.9791 of 2016
and W.M.P.Nos.8776 and 16019 of 2016

K.Krishnamurthy

... Petitioner

Vs.

1. The Commissioner,
Corporation of Chennai,
Chennai-3.
2. The Assistant Commissioner,
Region -10,
Corporation of Chennai,
No.117, NSK Road,
Kodambakkam, Chennai -24.
3. The Assistant Revenue Officer,
Region -10,
Corporation of Chennai,
No.117, NSK Road,
Kodambakkam, Chennai -24.
4. R.Dharmaraj alias Vinodhkumar

...Respondents



W.P.No.9791 of 2016

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PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleased to issue a Writ of Mandamus, directing the Respondents 1 to 3 herein to receive the petitioner's application for issue of Licence to run the Mess and permit the petitioner to pay the Licence fee and grant him the Licence to run the Mess by removing the seal at No.27 Flowers Street, Saidapet, Chennai-600 015.

For Petitioner : Mr.M.Arunkumar
for M/s.Sampath Kumar
and Association

For Respondents 1 to 3 : Mrs.P.T.Ramadevi
Standing Counsel

For Respondent 4 : Not ready notice

ORDER

The writ petition has been filed to direct the respondents 1 to 3 herein to receive the petitioner's application for issuing of Licence to run the Mess and permit the petitioner to pay the Licence fee and grant him Licence to run the Mess by removing the seal at No.27 Flowers Street, Saidapet, Chennai-600 015.



W.P.No.9791 of 2016

WEB COPY

2. The brief facts of the case is that the petitioner was running a food industry in the name of “ Manitha Neya Unavu Viduthi” in the fourth respondent premises, in order to provide food to the poor people to quench their hunger. During inspection, the said food industry was sealed, since the petitioner was running the hotel in a health hazardous manner and without obtaining proper licence from the Corporation of Chennai. Further, the petitioner was applied for fresh licence and the same was not considered by the respondents. Against which, the writ petition has been filed.

3. The learned counsel for the petitioner would submit that the petitioner had applied for fresh licence on 12.03.2015 to run the mess and the same was returned by the authorities vide letter dated 09.04.2015 and directed the petitioner to furnish the necessary documents.

4. The learned counsel appearing for the respondents would submit that the petitioner had not produced the necessary documents to the authorities thus, the reminder letter dated 19.05.2015 was sent to the petitioner. Further, the petitioner had not complied with the requirement of



W.P.No.9791 of 2016

notice as on date. He further submitted that the fourth respondent had given an objection letter dated 19.03.2015 and 06.06.2015 to the Corporation of Chennai, objecting to issue license to the petitioner. Therefore, permission cannot be granted without hearing the fourth respondent. Admittedly, the premises kept under lock for many years, it appears that there is a dispute between the petitioner and the fourth respondent.

5. In such view of the matter, this Court directs the petitioner to provide fresh application with necessary documents to the authorities and the authorities are directed to consider the petitioner's application, after hearing fourth respondent, who is the owner of the premises and take a decision as per law.

6. With the above direction, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

13.02.2023

Index :Yes/No
Internet:Yes/No
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W.P.No.9791 of 2016

WEB COPY

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W.P.No.9791 of 2016

N. SATHISH KUMAR, J.
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W.P. No.9791 of 2016

13.02.2023