



W.P.No.21167 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 02.08.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.21167 of 2022

and

WMP.No.20166 of 2022

G.Dhanalakshmi

...Petitioner

Vs.

1.The Principal Secretary/The Commissioner
Greater Chennai Corporation
Ripon Building
Chennai 600 003.

2.The Revenue Officer
Greater Chennai Corporation
Ripon Building
Chennai 600 003.

3.The Assistant Revenue Officer
Zone-XIII, Greater Chennai Corporation
115, Dr.Muthulakshmi Salai
Adyar, Chennai 600 020.

4.A.Jalaludeen

5.Mohammed Imranullah Siddique

...Respondents



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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 third respondent pertaining to Trade License in his proceedings Code-13-182-002810/2022-23 and quash the order dated 06.07.2022 consequently order for lock and seal of the shop in the name of “M/s.Ghaseel Dry Cleaners and Laundry Services” situated in No.92/6, Southmada Street, Thiruvanmiyur, Chennai 600 041 in accordance with law.

For Petitioner : Ms.V.Sahaana

For Respondents : Mr.A.S.Rahul Aditya
for Mrs.P.T.Ramadevi for R1 to R3
Standing Counsel (GCC)

Mr.T.K.S.Gandhi for R4

Ms.Kokilavane for R5

ORDER

This Writ Petition is filed challenging the order passed by the third respondent granting Trading License in favour of the fifth respondent for the year ending with 31st March 2023.



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2. The learned counsel for the petitioner submitted that the premises was originally let out to the fourth respondent and the fifth respondent herein was inducted by the fourth respondent as his sub-tenant. Subsequently, the petitioner was coerced to enter into a lease agreement with the fifth respondent for a period of 11 months and the said lease period is also over. It is also submitted by the learned counsel for the petitioner that based on the lease deed obtained by putting the petitioner under duress, the fifth respondent obtained trading licence from the first respondent. It is also submitted by the learned counsel for the petitioner that the fifth respondent produced a fabricated No Objection Certificate from the petitioner for the purpose of obtaining trading licence.

3. The learned counsel appearing for the fifth respondent submitted that the lease agreement was entered by the fifth respondent with the petitioner and the petitioner also issued No Objection Certificate for carrying on trading in the premises and based on which, the fifth respondent obtained trading licence from the first respondent.



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4. The learned Standing Counsel appearing for the respondents 1 to 3 submitted that based on the lease agreement and No Objection Certificate produced by the fifth respondent, trading licence had been issued to the fifth respondent and the same has been renewed from time to time periodically.

5. It is also stated by the learned Standing Counsel appearing for the respondents 1 to 3 that for the purpose of renewal of trading licence, No Objection Certificate is not required.

6. The copy of the lease agreement and No Objection Certificate issued by the petitioner have been produced by the petitioner in the typed set of papers. If No Objection certificate issued by the petitioner is a fabricated one as mentioned in the affidavit of the petitioner, there is no possibility for the petitioner to produce the copy of the same in the typed set of papers.



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7. In any event, the first respondent officials cannot go into the question whether the lease agreement and No Objection Certificate issued by the petitioner was under coercion or fabricated. If at all, it is for the petitioner to workout her remedy before appropriate judicial Forum. In these circumstances, the submission made by the learned counsel for the petitioner cannot be accepted and consequently, this Writ Petition is dismissed.

8. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

02.08.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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S.SOUNTHAR, J.

dna

To

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