



W.P.No.25430 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P. No.25430 of 2022
and W.M.P.Nos.24415 and 24416 of 2022

N.Srinivasan

... Petitioner

Vs.

1. The Commissioner,
Greater Chennai Corporation,
Rippon Buildings, Chennai – 600 003.

2. Additional Revenue Officer,
Greater Chennai Corporation,
No.36, Habbibullah Avenue,
Chennai – 600 040

...Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleased to issue a Writ of Certiorarified Mandamus, to call for the documents pertaining to notice affixed for lock and seal dated 10.09.2022 pertaining to petitioner's property situated at AD-13, 5th Avenue, Anna Nagar, Chennai – 600 040 and quash the same as illegal, arbitrary and



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unconstitutional and consequently direct the respondents to process the application for trade license following due process of law.

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For Petitioner : Mr.A.K.Rajaraman

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

ORDER

The writ petition has been filed to call for the records pertaining to the notice affixed for lock and seal dated 10.09.2022 pertaining to the petitioner's property situated at AD-13, 5th Avenue, Anna Nagar, Chennai – 600 040 and to direct the respondents to process the application for trade license following due process of law.

2. The brief facts of the case is that the petitioner was running a coffee shop for the past two decades in Chennai and he had applied for trade licence with the Corporation of Chennai. However, vide letter dated 25.08.2022, the respondent sought certain documents to process the trade licence application and the petitioner had not produced the same. Thus, the



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impugned notice was issued on 09.09.2022 and sealed the shop. Against which, the present writ petition has been filed.

3. The learned standing counsel appearing for the respondents would submit that the petitioner had running a coffee shop without trade licence, though the petitioner had applied for trade licence, he has not submitted the necessary documents. Therefore, on 09.09.2022, a notice has been issued to the petitioner under Section 379(A) of the Chennai City Municipal Corporation Act IV of 1919, to stop the trade within 24 hours and the petitioner had not complied with the order. Therefore, the Chennai City Corporation had sealed the premises.

4. Heard both sides and perused the materials available on record.

5. In such view of the matter, this Court direct the respondents to consider the petitioner's application for trade licence, if he applied with necessary documents. The concerned authorities can consider the same as per law. Further, the impugned order was passed without giving any notice



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to the petitioner. Though, notice under Section 379(A) of the Chennai City

Municipal Corporation Act IV of 1919 was states to be served. The same was not signed and received by the petitioner. Further, the respondents had sealed the coffee shop without giving an opportunity to the petitioner. In such view of the matter, this Court set aside the impugned order passed by the Chennai City Corporation and directs the petitioner to apply for the trade licence with necessary documents within one month from the date of receipt of a copy of this order. If the trade licence is rejected, Authorities are at liberty to take action as per law.

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

10.02.2023

Index :Yes/No

Internet:Yes/No

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To

1. The Commissioner
Corporation of Chennai,
Ripon Buildings, Park Town,
Chennai – 600 003.
2. The Assistant Revenue Officer,
Land and Buildings
Ripon Buildings, Park Town,
Chennai – 600 003.



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N. SATHISH KUMAR, J.

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