



W.P.No.25132 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.25132 of 2023

P.M.V.Durai

.. Petitioner

Versus

1. The Commissioner of Police,
Greater Chennai Police,
Vepery,
Chennai - 600 007.
2. The Additional Commissioner of Police (South),
Law & Order,
Vepery,
Chennai - 600 007.
3. The Joint Commissioner of Police,
East Zone,
Egmore,
Chennai - 600 108.
4. The Deputy Commissioner of Police, (Law & Order),
Triplicane District,
Chintadripet,
Chennai - 600 002.
5. The Assistant Commissioner of Police,
Triplicane Range,
Chennai - 600 005.



W.P.No.25132 of 2023

WEB COPY

6. The Inspector of Police,
D-2, Anna Salai Police Station,
Anna Salai,
Chennai - 600 002.

..Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the Impugned Rejection Order passed by the 1st respondent in his proceedings, dated 22.06.2023 passed in Rc.No.E3(1)/258/102264/2021, quash the same and consequently direct the 1st respondent to consider and grant renewal of Public Resort License under Chennai City Police Act, 1886 forthwith to the petitioner to conduct Indian Cultural Dance Programmes in the premises of Hotel Shurudhi Palace at Old No.79, New No.151, General Patters Road, Anna Salai, Chennai - 600 002.

For Petitioner : Mr.K.Govi Ganesan

For Respondents : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

This petition has been filed challenging the order passed by the first respondent through proceedings, dated 22.06.2023 and for a consequential direction to the first respondent to grant renewal of the license under Chennai City Police Act.



W.P.No.25132 of 2023

WEB COPY

2. When the matter came up for hearing on 25.08.2023, this Court passed the following order:-

" *Mr.A.Damodaran, learned Additional Public Prosecutor takes notice on behalf of the respondents.*

2. The request made by the petitioner, seeking for renewal, has been rejected through endorsement, dated 22.06.2023 on two grounds. The first ground is that an F.I.R has been registered against the petitioner and the same is pending investigation in Crime No.228 of 2022. The second ground is that the petitioner did not produce the mandatory document of electrical certificate.

3. Insofar as the first ground is concerned, it is now too well settled that the mere pendency of the F.I.R cannot be a ground to reject the request for renewal. Insofar as the second ground is concerned, it is seen from records that the petitioner has infact submitted the electrical certificate issued by the Corporation of Chennai by way of an enclosure through letter, dated 08.02.2023 and it has once again been submitted through letter, dated 28.07.2023.

4. The learned Additional Public Prosecutor shall take instructions. Post this case under the same caption on 01.09.2023."

3. When the matter is taken up for hearing today, the learned Additional Public Prosecutor, on instructions, submitted that the petitioner had submitted the Electrical Certificate. The learned Additional Public



W.P.No.25132 of 2023

WEB COPY

Prosecutor further submitted that an F.I.R has been registered against the petitioner and the same is pending investigation in Crime No.228 of 2022.

4. Heard Mr.K.Govi Ganesan, learned Counsel for the petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor for the respondents.

5. The only issue that requires consideration of this Court is as to whether the mere registration of the F.I.R against the petitioner will deny the right of the petitioner from seeking for renewal of the license. This issue is no longer *res integra* and it has been dealt with by this Court in the judgment in ***D.P.Anand Vs. State of Tamil Nadu and Anr.*** reported in **1998 Cri LJ 724**. The relevant portion in the judgment is extracted hereunder:-

" **21.** Under the provisions of the Madras City Police Act, only restrictions are contemplated for a person who carries on business in an enclosed place or building. As we have found already there are number of restrictions in the form of security deposit, suspension, cancellation and prosecution are contemplated by the Act. There is no provision in the Act to prohibit the carrying on business. It is also to be noticed that there is no provision to refuse to grant a licence or renew a licence when a person commits breach of conditions of the licence or commits the other criminal offences like conducting obscene dances. The Legislature



WEB COPY



W.P.No.25132 of 2023

could provide for total refusal of licence or renewal of licence when a person commits breach of the conditions of the licence or the offences like one mentioned above. In the absence of such a provision, we have to take it that the intention of the Legislature is not to prohibit once for all the carrying on business like running the cultural dances etc., even if he commits breach of the licence or commits the offence of obscenity by misusing the licence granted to him. Therefore, in my view Section 76 of the Madras City Police Act empowers the licensing authority namely, the Commissioner only, to cancel or suspend the licence already granted exercising the powers under that Section. The licensing authority or the Commissioner cannot refuse to renew the licence, since for misuse, a number of punishments are provided as, as indicated earlier."

6. In view of the above, it is clear that the mere registration of an F.I.R will not come in the way of denying the request made by the petitioner for renewal of the license. It is also clear from records that the petitioner has submitted all the relevant documents including Electrical Certificate that was issued by the Corporation of Chennai. In view of the same, the impugned proceedings of the first respondent in Rc.No.E3(1)/258/102264/2021, dated 22.06.2023 is hereby quashed. There shall be a direction to the first respondent to consider the application given by the petitioner seeking for renewal of the Public Resort License and the



W.P.No.25132 of 2023

WEB COPY

same shall be granted within a period of two weeks from the date of receipt of a copy of this order.

7. This Writ Petition is allowed in the above terms. No costs.

01.09.2023

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

Note : Issue order copy on 05.09.2023.

To

1. The Commissioner of Police,
Greater Chennai Police,
Vepery,
Chennai - 600 007.
2. The Additional Commissioner of Police (South),
Law & Order,
Vepery,
Chennai - 600 007.
3. The Joint Commissioner of Police,
East Zone,
Egmore,
Chennai - 600 108.
4. The Deputy Commissioner of Police, (Law & Order),
Triplicane District,



W.P.No.25132 of 2023

Chintadripet,
Chennai - 600 002.

5. The Assistant Commissioner of Police,
Triplicane Range,
Chennai - 600 005.

6. The Inspector of Police,
D-2, Anna Salai Police Station,
Anna Salai,
Chennai - 600 002.

7. The Public Prosecutor,
High Court of Madras.



WEB COPY



W.P.No.25132 of 2023

N.ANAND VENKATESH, J.
grs

W.P.No.25132 of 2023

01.09.2023