



WEB COPY



W.P.No.1592 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2024

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.1592 of 2024

P.Kubendiran

...

Petitioner

/vs/

1. The Commissioner,
Greater Chennai Corporation,
Ribbon Building, Chennai – 600 003.

2. The District Revenue Officer,
Greater Chennai Corporation,
Zone – 6, Pattalam,
Chennai – 600 012.

3. R.Kamaraj

4. R.Ettaraja

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents 1 and 2 to dispose petitioner representation dated 03.01.2024 in accordance with law and consequently De-seal the premises at Door No.120/1, New No.84, Ganesh Fast Food, Madhavaram High Road, Chennai – 600 011.



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For Petitioner ... Mr.D.Bharathy

For Respondents ... Ms.S.Vanitha Joice Rani
Standing Counsel for R1 and R2

ORDER

This Writ Petition has been filed for the issuance of a writ of mandamus directing the first and second respondents to dispose the petitioner's representation dated 03.01.2024, in accordance with law and consequently De-seal the premises at Door No.120/1, New No.84, Ganesh Fast Food, Madhavaram High Road, Chennai – 600 011.

2. The petitioner has let out a shop owned by him to the third and fourth respondents for running a hotel by name “Ganesh Fast Food”. Since the third and fourth respondents did not get the required license for running the business, the premises was sealed, pursuant to the order of the second respondent dated 11.01.2019. Thereafter, the petitioner had filed an Eviction Petition before the Rent Court and eviction was also ordered. Subsequent to the eviction order, the petitioner has filed an Execution Petition to execute the order of eviction. The third and fourth respondents agreed to vacate the said premises by themselves, if the premises is de-



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sealed.

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3. Even the Executing Court, cannot execute the order of eviction unless the premises is de-sealed. Despite representations have been given to the respondents 1 and 2 in this regard, the same was not considered and no order has been passed so far for de-sealing the premises.

4. Since the premises has been sealed only because the third and fourth respondents were conducting Fast Food business without getting proper license, it is obligatory on the part of the respondents 1 and 2 to de-seal the premises. Since the petitioner had obtained an eviction order as against the third and fourth respondent, it is not possible for the third respondent to run the business any more in that premises. Due to the change of circumstances, I feel it is appropriate to direct the respondents 1 and 2 to consider the representation of the petitioner and pass appropriate orders.

5. In the result, the Writ Petition is allowed and the respondents 1 and



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2 are directed to consider the representation of the petitioner dated 03.01.2024 and pass appropriate orders within a period two weeks from the date of receipt of a copy of this order. No costs.

30.01.2024

Index: Yes / No
Speaking order / Non-speaking order
bkn



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To:

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R.N.MANJULA ,J.

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