



W.P. No. 12516 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2024

CORAM

THE HON'BLE MR. JUSTICE V. BHAVANI SUBBAROYAN

W.P. No. 12516 of 2024

and

W.M.P. Nos. 13666 and 13667 of 2024

Malini Ravindran

... Petitioner

-VS-

1. The Greater Chennai Corporation,
Rippon Building,
Chennai – 600003.

2. The Assistant Revenue Officer,
Greater Chennai Corporation,
Rippon Building,
Chennai – 600003.

3. M/s. Shree Amba Traders,
Rep. by its Proprietor Mr. Balaji,
Flats G-F-2 No. 9/12,
Rathinammal Street,
Kodambakkam,
Chennai – 600024.

Respondents

...

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, quashing impugned license code No. 10-134-003871/2024-2025 dated 05.02.2024 issued by the 1st respondent in favour of the 3rd respondent.



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For Petitioner : Mr. T.Gowthaman, Senior Counsel
for Mr. Muhammed Tareq

For Respondents : Mrs. P.T.Ramadevi,
Standing Counsel (for R1 & R2)

Mr. M.R.Jothimanian (for R3)

ORDER

The Writ Petition has been filed seeking issuance of Writ of Certiorari to quash the impugned license code No. 10-134-003871/2024-2025 dated 05.02.2024 issued by the 1st respondent in favour of the 3rd respondent.

2. The case of the petitioner is that she is the owner of the property situated at Nos. 99(339) and 340, Arcot Road, Kodambakkam, Chennai-600024 and she become the co-owner of the property along with her brother, viz., Mr. V.S.Ranganathan, who died on 24.06.2018. Thereafter, she inherited the property as the sole legal heir of the said deceased Mr. V.S.Ranganathan, who had rented out the premises to one Mr. Mohideen Kutty from the year 1963 and after his lifetime, his son, viz., Mr. E.Saleem Mohideen, continued the lease. Even though the lease was not renewed, the said Mr. E.Saleem Mohideen continued in possession as a statutory tenant. During the



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said period, the said Mr. E.Saleem Mohideen without the permission or 'no objection' of her brother, sub-let the premises to various shops to run their business and they obtained fraudulent trade licenses to run their business from Greater Chennai Corporation and none of them is bound to the petitioner in any manner.

3. According to the petitioner, she had made several representations to Greater Chennai Corporation to take appropriate action against such occupants for operating without any appropriate license from Greater Chennai Corporation. The Petitioner had filed the Writ Petitions in W.P. Nos. 28234 of 2021 and 16036 of 2022 and Contempt Petition No. 2562 of 2023 in respect of cancellation/non-renewal of license for issuance of running business in the name of SS Hyderabad Biryani and other shops in the premises. The Petitioner had also filed the Writ Petition in W.P. Nos. 28072 and 28404 of 2023 against other occupants, who were running business in the premises without licenses from Greater Chennai Corporation. The said Writ Petitions were allowed on 25.09.2023 and 27.09.2023 respectively directing to take action against the person illegally operating in the premises without any appropriate license and in compliance of the aforesaid orders, various shops were sealed by Greater Chennai Corporation.



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4. The petitioner would further state that she has not issued any 'No Objection Certificate' to the occupants of the said premises. However, the 1st respondent erroneously issued License No. 10-134-003871/2023-24 dated 10.03.2023 in the name of Sree Amba Traders represented by one Mr. B.Balaji, which is the 3rd respondent, and another License No. 10-134-001298/2023-24 dated 26.05.2023 in the name of Happy Garments represented by one Mr. Rajan without obtaining 'No Objection Certificate' from the owner. According to the petitioner, since the representations made by the petitioner to cancel the aforesaid licenses was not at all considered by Greater Chennai Corporation, she has filed the Writ Petition in W.P. No. 36244 of 2023 before this Court for directing the 1st respondent to dispose of her representations. In the meantime, the said Mr. B.Balaji with a malicious intent to extort huge sums from the petitioner, had filed a suit in O.S. No. 6952 of 2023 before the VI Assistant City Civil Court, Chennai praying for injunction against the petitioner. According to the petitioner, to her shock and surprise, the said Mr. B.Balaji filed fabricated document and lease deed dated 07.08.2017 said to have been executed by the said deceased Mr. V.S.Ranganathan. She further submit that upon verification of the lease deed dated 07.08.2017, the signature of the said deceased Mr.



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V.S.Ranganathan was found to be completely in contrary to his ordinary

signature which she is familiar with. Apart from filing counter setting out the
aforesaid facts relating to the forgery committed by the said Mr.

B.Balaji, she had given a complaint to the Inspector of Police, Kodambakkam
and CSR No. 46/2024 dated 20.02.2024 was registered in that regard. She
would further submit that the High Court on 19.02.2024 allowed the Writ
Petition in W.P. No. 36244 of 2023 directing Greater Chennai Corporation to
conduct detailed enquiry on the eligibility of the 3rd respondent to obtain the
license No. 10-134-003871/2023-24 dated 26.05.2023 for the period 2023-
2024 and pass appropriate orders and further file a compliance report by
30.06.2024.

5. The petitioner would also submit that at present, the trade license No.
10-134-003871/2023-24 obtained by the said Mr. B.Balaji in the name of M/s.
Sree Amba Traders had expired on 31.03.2024, but they continue to run
business in the premises neither with valid license nor with no objection
certificate from her. Further, the 1st respondent has not filed a report after
conducting due enquiry of all the parties concerned in compliance of the order
dated 19.02.2024 in W.P. No. 36244 of 2023 passed by the High Court. In the
meanwhile, when the license in question had already expired on 31.03.2024,



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Greater Chennai Corporation has renewed the license of the 3rd respondent upto

31.03.2024 vide the license No. 10-134-003871 dated 05.02.2024 instead of taking action against the 3rd respondent based on the representation of the petitioner. When the High Court had already directed to conduct detailed enquiry, the authorities have not considered the same and renewed the license, which has to be challenged by fresh Writ Petition. According to the petitioner, the action on the part of the 1st respondent in granting license dated 05.02.2024 for another period without conducting enquiry as to the entitlement of the 3rd respondent to get the renewal in spite of several objections and pendency of the Writ Petition in W.P. No. 36244 of 2023 clearly amounts to facilitating the 3rd respondent in propagating his illegality in her premises on the following grounds:-

- a. The impugned renewal license No. 10-134-003871 dated 05.02.2024 has been granted by Greater Chennai Corporation illegally and without following the appropriate procedures for granting renewal of license.
- b. Greater Chennai Corporation ought not to have granted the impugned renewal license No. 10-134-003871 dated 05.02.2024 when the original license No. 10-134-003871/2023-24 was challenged in W.P. No. 36244 of 2023 before this High Court.
- c. Greater Chennai Corporation ought not to have granted the impugned



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renewal license No. 10-134-003871 dated 05.02.2024 without

conducting a proper enquiry on the objection made by the petitioner and the eligibility of the 3rd respondent in the light of those objections.

- d. Greater Chennai Corporation ought not to have granted the impugned renewal license No. 10-134-003871 dated 05.02.2024 much before the expiry of the original license No. 10-134-003871/2023-24 on 31.03.2024.

Therefore, the petitioner seeks for the indulgence of the Court to cancel the license No. 10-134-003871 dated 05.02.2024.

6. According to the petitioner, despite the order dated 19.02.2024 in W.P. No. 36244 of 2023 passed by the High Court, the action of Greater Chennai Corporation in granting the renewal of license has allowed the 3rd respondent to continue in the possession of the premises illegally, which has to be immediately stopped.

7. On the contrary, the learned standing counsel for the 1st and 2nd respondents would further submit that in pursuance of the order dated 19.02.2024 in W.P. No. 36244 of 2023 passed by the High Court, Greater Chennai Corporation has taken action by holding enquiry and passed a detailed order. Further, notice has been sent to the 3rd respondent, but it has not



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appeared either in person or through representative. As the property belongs to the petitioner based on the legal heirship certificate and the building is in dilapidated condition having part of it demolished except the two shops, and no lease agreement was produced, the 3rd respondent cannot run the business in the building and hence, the impugned trade license has been cancelled by order dated 14.06.2024 of the District Revenue Officer, Zone-10, Greater Chennai Corporation. Therefore, the 3rd respondent was advised to vacate the premises within 15 days from the date of receipt of the said order, failing which, action would be taken under Rule 304 of the Tamil Nadu Urban Local Bodies Rules, 2023.

8. The learned counsel appearing for the 3rd respondent would submit that after receiving the said order cancelling the license, they have approached this Court by way of fresh Writ Petition and it is yet to be numbered today. He further submits that the cause of action for that Writ Petition may be clubbed together with this Writ Petition.

9. This Court is of the view that different cause of actions cannot be clubbed together as sought by the learned counsel for the 3rd respondent. In such circumstances, the relief sought by the petitioner in this Writ Petition has



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become infructuous.

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10. In the result, the Writ Petition is disposed of. Consequently, the connected Miscellaneous Petitions are closed. No costs.

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Index: Yes/No

NCC: Yes/No

vjt

To

1. The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai – 600003.
2. The Assistant Revenue Officer,
Greater Chennai Corporation,
Rippon Building,
Chennai – 600003.



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V. BHAVANI SUBBAROYAN, J.

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