



W.P.No.19475 of 2019

IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED: 09.09.2024

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.19475 of 2019

K.M.Kutty

.. Petitioner

Vs

1.The Commissioner,
Corporation of Chennai,
Chennai – 3.

2.The Revenue Officer,
Zone No.IX, Division N116,
Greater Chennai Corporation,
Nungambakkam, Chennai – 34.

3.Abdul Jaleel

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India seeking for issuance of a writ of mandamus to direct the first respondent to consider the petitioner's representation dated 21.06.2019 in accordance with law and consequently direct the first respondent to cancel the trade license issued in the name of the third respondent for running the hotel under the name “New Sea Lord” at No.258, Triplicane High Road, Chepauk, Chennai-5, within a time frame.



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For Petitioner : No Appearance
For R1 & R2 : Mr.D.B.R.Prabhu, Standing Counsel

ORDER

The writ petition has been filed for a direction to the first respondent to consider the petitioner's representation dated 21.06.2019 in accordance with law and consequently direct the first respondent to cancel the trade license issued in the name of the third respondent for running the hotel under the name “New Sea Lord” at No.258, Triplicane High Road, Chepauk, Chennai-5.

2. The petitioner, being the sole proprietor, is doing hotel business under the name and style of “Sea Lord” at No.257/258, Triplicane High Road, Chennai-5. The brand name “Sea Lord” has earned enormous popularity among the general public due to its flavour and taste of the food served to its customers. While being so, the third respondent was granted license under the name and style of “New Sea Lord”.

3. It is seen that the third respondent is a competitor and the petitioner has submitted application to cancel the license granted to the



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third respondent under the name and style of “New Sea Lord”. If the petitioner proves that the third respondent infringed his trademark, he can very well seek for cancellation of license. But, whether the third respondent has infringed the trademark of the petitioner or not, is a matter to be decided by the Civil Court after perusing the oral and documentary evidence placed before it, and not by this Court sitting under Article 226 of the Constitution of India. On this count, the prayer sought for by the petitioner cannot be considered and accordingly, the writ petition stands dismissed. No Costs. W.M.P.No.18967 of 2019 is closed.

09.09.2024

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To

- 1.The Commissioner,
Corporation of Chennai,
Chennai – 3.
- 2.The Revenue Officer,
Zone No.IX, Division N116,
Greater Chennai Corporation,
Nungambakkam, Chennai – 34.



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G.K.ILANTHIRAIYAN, J.

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