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W.P.No.28351 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.28351 of 2024
and W.M.P.Nos.30913 and 30915 of 2024

Suresh

... Petitioner

Vs

1. The Commissioner,
The Greater Chennai Corporation,
Rippon Buildings,
Chennai.
2. The Zonal Officer No-5,
Greater Chennai Corporation,
Chennai.
3. The Senior Revenue Officer,
Zonal No.5,
Greater Chennai Corporation,
Chennai.

4. S.Prabhu

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of impugned order/notice dated 05.09.2024 vide serial number 10502 on the file of second Respondent and quash the same and directing the respondent No.1 and 2 to consider the petitioner representation dated



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08.09.2024 for grant of license to run his flour mill business situated at No. 5, Maddox street, Choolai, Chennai within time bound manner.

For Petitioner : Mr.K.Myilsamy
For R1 to R3 : Mr.S.Gopinathan
Standing Counsel

ORDER

This writ petition has been filed challenging the order dated 05.09.2024, thereby directed to stop the trade within a period of 24 hours from the date of receipt of the notice, failing which, the third respondent will enter into the petitioner's premises and take all such steps to prevent the continuance of the use of the place as above as per Section 114A of the Tamil Nadu Urban Local Bodies Act, 1998.

2. Heard the learned counsel for the petitioner and the learned standing counsel for the respondents 1 to 3 and perused the materials available on record.

3. The petitioner is a lessee of the shop owned by the fourth



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respondent to an extent of 688 sq.ft comprised in R.S.No.871/3, 872 (part), situated at No.5, Maddox Street, Choolai, Chennai. There is a dispute between the petitioner and the fourth respondent with regard to eviction. The petitioner's father runs a flour mill business in the name and style of M/s Srinivasa Flour Mill in the subject property which was leased out by the fourth respondent's grand father. Thereafter, the petitioner's father had obtained an oral sublease. In the meanwhile, the Executive Officer of Arulmigu Srinivasa Temple Devasthanam claimed to be the owner of the premises filed a suit for eviction and eviction was ordered. On the basis of the Judgment, the temple filed an Execution Petition before the IXth Assistant City Civil Court, Chennai as against the petitioner's father. After his demise, the petitioner is running the flour mill business in the subject premises.

4. While being so, the fourth respondent who claims to be the legal heir of the temple Administrator, filed a petition for eviction on the ground of failing to execute a register rental deed and wilful default of monthly rents in RLTOP No.520 of 2023, on the file of the Small Causes



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Court, Chennai and it is pending. That apart, the fourth respondent instigated the second respondent to close down the petitioner's premises, on the ground that the petitioner is running a flour mill without any license. Therefore, the third respondent issued a notice to the petitioner on 27.05.2024 to produce the license or to apply for license to run a flour mill. However, on receipt of the same, there was no reply from the petitioner and subsequently, another remainder was sent to the petitioner on 10.07.2024. Even after receipt of the same, the petitioner did not take any steps to obtain license to run a flour mill. Finally, on 05.09.2024, the petitioner was issued notice to close down the business, since the petitioner is running the flour mill without any license.

5. Therefore, the petitioner is not having legal possession of the subject property and he did not apply for any license. Therefore, the petitioner is running flour mill without any license so far.

6. In view of the above, the petitioner is directed to apply for



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license to run the flour mill in the subject premises. On receipt of the same, the third respondent is directed to issue notice to the fourth respondent and conduct enquiry and pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of the application for license.

7. With the above directions, this writ petition is disposed of. Consequently, connected Miscellaneous petitions are closed. There shall be no order as to costs.

27.09.2024

Internet: Yes
Index : Yes/No
Neutral Citation : Yes/No
Speaking/Non Speaking order
mn

Note: Issue order copy on 27.09.2024



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G.K.ILANTHIRAIYAN. J.

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To

1. The Commissioner,
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Chennai.
2. The Zonal Officer No-5,
Greater Chennai Corporation,
Chennai.
3. The Senior Revenue Officer,
Zonal No.5,
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