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W.P.No.22874 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2025

CORAM:

THE HONOURABLE MRS. JUSTICE N.MALA

**W.P.No.22874 of 2025
and W.M.P.No.25697 of 2025**

B.Balaji

..Petitioner

Vs.

1.The Principal Secretary,
Municipal Administration and Water Supply Dept.
Fort St.George, Chennai - 600 009.

2.The Director of Municipal Administration,
Greater Chennai Corporation,
Ribbon Buildings, Chennai - 600 003.

3.The Commissioner,
Greater Chennai Corporation,
Ribbon Buildings, Chennai - 600 003.

4.The Zonal Officer (I/c.),
Zone-10, Greater Chennai Corporation,
No.117, NSK Road, Kodambakkam,
Chennai - 600 024.

5.The Senior Revenue Officer,
Revenue Dept. Zone -10,
Greater Chennai Corporation,
No.117, NSK Road, Kodambakkam,
Chennai - 600 024.

6.Malini Ravindran

..Respondents

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Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents nos. 3 to 5 herein from proceeding against the petitioner's trade in License Nos. 10-132-0000406 and 10-134-007691 in the licensed premises of trade i.e., Sri Amba Traders, at Door No.340/96, Arcot Road, Kodambakkam, Chennai - 600024 in pursuant to the order passed in Z.O.X.R.DC.No.14606/2025 dated 16.06.2025 passed by the 3rd respondent herein till the final orders passed in statutory appeal dated 17.06.2025 pending before the 1st and 2nd respondent herein.

For Petitioner : Mr. T.Sundaravadanam
For Respondents : Dr.T.Seenivasan for R1 and R2
Special Government Pleader
Mr.A.Arunbabu for R3 to R5

ORDER

The writ petition is filed to forbear the respondents nos. 3 to 5 herein, from proceeding against the petitioner's trade License Nos. 10-132-0000406 and 10-134-007691, in the licensed premises of trade i.e., Sri Amba Traders, at Door No.340/96, Arcot Road, Kodambakkam, Chennai - 600024 pursuant to the order passed in Z.O.X.R.DC.No.14606/2025 dated 16.06.2025, by the 3rd respondent herein, till the final orders are passed in statutory appeal dated 17.06.2025, pending before the 1st and 2nd respondent herein.

2. Dr.T.Seenivasan, learned Special Government Pleader takes notice



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for R1 and R2. Mr.A.Arunbabu, learned counsel takes notice for R3 to R5.

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3. By consent of both the counsels, this writ petition is taken up for final disposal at the admission stage itself. As no adverse orders are passed against the 6th respondent, the writ petition is disposed without notice to her.

4. The petitioner is running a small textile retail business in the name and style of M/s.Sri Amba Traders at Arcot Road, Kodambakkam for the past 10 years, with license/permission of the 5th respondent. The aforesaid property to an extent of 120 sq.ft in the ground floor, was originally owned and possessed by one Late V.S.Ranganathan, who rented out the property on 01.05.2014, to the petitioner on a monthly rent of Rs.2,750/- . The petitioner obtained trade license for the business on 05.02.2024, with validity upto 31.03.2025. Subsequently, the petitioner expanded his business, resulting in enhancement of rent at Rs.10,250/-, which the petitioner claims to have paid regularly. It is on record that subsequent thereto, a series of reciprocal litigations ensued between the parties. In order to avoid an unnecessary prolix narration, this Court refrains from delving into the defects of the same. It would suffice to observe that the ultimate consequent of such proceedings was

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the cancellation of the petitioner's trade license by the 3rd respondent, vide order dated 16.06.2025. Being aggrieved by the said order of cancellation, the petitioner carried the matter in appeal before the 1st and 2nd respondents on 17.06.2025, which appeal is stated to be pending adjudication as on date. In the interregnum, apprehending coercive measures at the hands of the respondents during the pendency of the appellate proceedings, the petitioner has been constrained to invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India by filing the present writ petition.

5. The counsel for the petitioner submitted that the trade licenses issued for retail vending after complying with the lawful requirements was periodically renewed and it is valid till 31.03.2028. The learned counsel further submitted that without resorting the 6th respondent to RLTOP proceedings to vacate or to evict the petitioner from the demised premises, the 6th respondent resorted to the present proceedings for evicting the petitioner, even though the petitioner did not default in paying the rents. The counsel therefore submitted that the respondents should be restrained from initiating coercive action against him, pending the appeal before the 1st and 2nd

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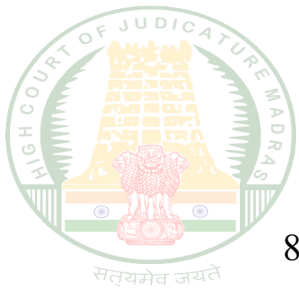
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respondents.

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6. Heard the learned counsels on either side and perused the materials available on record.

7. Admittedly, the petitioner filed the statutory appeal before the first and second respondents under Rule 305(2) of TNULB Rules, 2023, and the same is pending disposal. The petitioner states that taking advantage of the impugned order dated 16.06.2025, the respondents 3 to 5 were trying to take coercive steps against the petitioner for eviction. It is trite that once an appeal is pending, coercive action should be eschewed. In my view, if coercive action is taken pending decision of the petitioner's appeal, the appeal will become illusory and hence, I direct the first and second respondents to dispose of the petitioner's appeal dated 17.06.2025, on merits and in accordance with law and by affording opportunity of hearing to the petitioner as well as the 6th respondent herein, within a period of four(4) weeks from the date of receipt of a copy of this order. It is further directed that till the disposal of the appeal, the respondents 3 to 5 shall not take any coercive steps against the petitioner.



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8. With the above directions, this writ petition is disposed of.

No costs. Consequently connected miscellaneous petition is closed.

25.06.2025

msv

Index: Yes/No

Internet: Yes/No

Speaking order: Non-speaking order

To

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