



WEB COPY



W.P.No.1117 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.1117 of 2025

Mrs.Anuradha
Proprietor Of Ayyappa Typing & Xerox,
No.228, NSC Bose Road,
Chennai - 600 001.

-Vs-

1. The Chairman,
Life Insurance Corporation of India,
Yogakshema Building,
Jeevan Bime Marg,
P.B.No.199953, Mumbai - 400 021.
2. The Zonal Manager,
Life Insurance Corporation of India,
Annal Salai, Chennai - 600 002.
3. The Secretary (Estates),
LIC of India, Mount Road,
Chennai - 600 002.
4. The Health Officer,
Corporation of Chennai,
Chennai - 600 003.
5. The Commissioner,
Food Safety and Drug Administration,
Chennai - 600 006.



W.P.No.1117 of 2025

6. Bai Kadai Briyani,
228 NSC Bose Road,
Chennai - 1 by its
Prop. Mr.Ajmal Khan.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, directing the respondents, particularly respondents 4 to 5, to consider the petitioner's representation dated 01.07.2024 on merits and pass such order.

For Petitioner	:	Mr.R.Shanmugham
For R1 to R3	:	Mr.R.S.Anandan Standing Counsel,
For R4	:	Mr.R.Gopinath, Standing Counsel
For R5	:	Mr.M.Rajendiran, Additional Government Pleader
For R6	:	No appearance

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents, particularly respondents 4 to 5, to consider the petitioner's representation dated 01.07.2024.



W.P.No.1117 of 2025

2. The case of the Petitioner is that he is a tenant on the ground floor measuring 345 sq.ft. in respect of the premises No.228, N.S.C.Bose Road, Chennai-1, by means of a registered lease agreement dated 23.01.2024 entered into between the Petitioner and the LIC of India.

3. The grievance of the petitioner is that, adjacent to his shop premises, on the ground floor, the LIC of India has leased out a portion to a third party to run a business in the name of BAI KADAI BRIYANI, the 6th respondent herein, who are using the public platform for selling their Briyani and other related products by causing nuisance and hindrance not only to the petitioner and to his shop premises but also to his customers, mostly advocates, and also causing danger to the general public, thereby preventing and obstructing the general public from using the public platform freely.

4. Learned counsel appearing for the petitioner would submit that the adjacent tenant BAI KADAL BRIYANI, (6th respondent) who is also a tenant under the LIC of India, has been carrying on their business on the ground floor of premises No.228, N.S.C.Bose Road, Chennai-1 without obtaining licence / permission from the concerned public authorities like the Health



W.P.No.1117 of 2025

Department of Chennai Corporation, Fire Service Authorities, police authorities, and the Food Safety Authorities.

5. Learned counsel would further submit that the petitioner and the other co-tenants gave a complaint to the authorities concerned as early as 18.11.2023 to take action against BAI KADAI BRIYANI and to prevent the said Bai Kadai Briyani (6th respondent) shop from using the public platform for their own commercial purpose, that too at the cost of the co-tenant. But till date, no action has been taken on the said complaint dated 18.11.2023. Hence, the petitioner has come forward with the Writ Petition.

6. Learned standing counsel appearing for the 4th respondent has filed a status report on behalf of the 4th respondent dated 03.01.2025, wherein it is stated that the 4th respondent inspected the 6th respondent's premises and found that the alleged 6th respondent has been running an eatery house without any proper licence. Hence, the respondents referred the matter to the Revenue Department for necessary action. Subsequently, the Senior Revenue Officer, Greater Chennai Corporation, issued a notice dated 28.08.2024 to the 6th respondent under Section 102 of the TNULB Act 1998 and required to



W.P.No.1117 of 2025

comply with the requirements specified to apply for a licence by paying the scheduled licence.

7. Learned standing counsel further submitted that despite the above notice dated 28.08.2024, the 6th respondent has not taken any action to submit an application for a licence. Hence, a sum of Rs.1,000/- was imposed as a penalty for selling / using banned plastic against the 6th respondent vide Fine Receipt No.4342 dated 19.08.2024.

8. It is further submitted that the 6th respondent herein has also applied for professional tax and a licence for the trade carried out by him before the Greater Chennai Corporation on 29.08.2024. After perusal of the above application, the Greater Chennai Corporation assessed the professional tax in the name of “Bhai Kadai Briyani”, and in the nature of the profession as “Eating House”. Subsequently, the file has been submitted for approval for issuance of a licence to the 6th respondent.

9. Due to the TNULB Amendment Act, a fee variation has occurred. Hence, the file is put up for the calculation of fees to be paid for the licence. Once the above fees is finalized, the same will be recovered from the 6th



W.P.No.1117 of 2025

respondent, and the licence will be issued immediately.

WEB COPY

10. Learned Additional Government Pleader appearing for the 5th respondent submitted that the 5th respondent will consider the issuance of the licence to the 6th respondent if he fulfills all the eligibility requirements as per the relevant rules.

11. In view of the above facts and circumstances of the case, this Court is inclined to issue the following directions:

- a) The petitioner is directed to obtain a licence from the 5th respondent / The Commissioner, Food Safety and Drug Administration, Chennai - 600 006.**
- b) The Revenue Officer Corporation of Chennai is directed to consider the application of the 6th respondent dated 29.08.2024 for professional tax and licence within a period of six (6) weeks from the date of receipt of a copy of this order.**

In the result, the writ petition stands disposed of with the above observations and directions. No costs.

06.02.2025

cda



W.P.No.1117 of 2025

Index : Yes/No
Speaking/Non Speaking order

To

1. The Chairman,
Life Insurance Corporation of India,
Yogakshema Building,
Jeevan Bime Marg,
P.B.No.199953, Mumbai - 400 021.
2. The Zonal Manager,
Life Insurance Corporation of India,
Annal Salai, Chennai - 600 002.
3. The Secretary (Estates),
LIC of India, Mount Road,
Chennai - 600 002.
4. The Health Officer,
Corporation of Chennai,
Chennai - 600 003.
5. The Commissioner,
Food Safety and Drug Administration,
Chennai - 600 006.



WEB COPY



W.P.No.1117 of 2025

J.SATHYA NARAYANA PRASAD, J.

cda

W.P.No.1117 of 2025

06.02.2025



WEB COPY



W.P.No.1117 of 2025