IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2025

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THE HONOURABLE MR.JUSTICE **V. LAKSHMINARAYANAN**

W.P.No.44001 of 2025

Prasad Productions Pvt. Ltd.,
represented by its Authorised Signatory
R.Arumugam,
Office at 28, Arunachalam Road,
Saligramam, Chennai – 600 093. .. Petitioner

vs

1.The Assistant Commissioner,
Zone 2, Greater Chennai Corporation,
Kodambakkam, Chennai – 600 024.

2.The Zonal Officer,
Zone 10, Greater Chennai Corporation,
Kodambakkam, Chennai – 600 024. .. Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondents to issue trade license based on the petitioner’s application dated 18.09.2025 made to the first respondent.

For Petitioner	:	Mr.S.Sivaraman
For Respondents	:	Mr.D.Arun Kumar, Standing Counsel

ORDER

The petitioner is a film production company. It owns vast extent of land in Arunachalam Road, Saligramam, Chennai - 600 093. The petitioner intends to commence a recreational sport called 'pickleball'. In addition, it is the intention of the petitioner to have an enclosed space, to an extent of 1000 sq.ft., to sell water bottles and soft drinks in the said area. It had applied for licence as required under Rules 289(3) and 290(2) of the Tamil Nadu Urban Local Bodies Rules, 2023. The application was not considered. Hence, the petitioner is before this Court seeking a writ of mandamus.

2. I heard Mr.S.Sivaraman, learned counsel for the petitioner and Mr.D.Arun Kumar, learned standing counsel for the respondents.

3. Mr.Sivaraman, after narrating the facts of the case, pleaded that unless and until trade licence is granted, the petitioner will not be in a position to proceed further with the necessary business. He adds, though the petitioner has paid all the tax dues as required, the application has not been considered by the Greater Chennai Corporation.

4. Mr.Arun Kumar pleads that the application of the petitioner seeking trade licence, disclosed that an extent of 77411.430 sq.ft. is intended to be used as a sports facility for outdoor games, and the provision under Tamil Nadu Urban Local Bodies Rules does not enable the Corporation to grant licence for such an activity.

5. In response, Mr.Sivaraman submits that the petitioner only requires an extent of 1000 sq.ft. for the purpose of selling soft drinks and water bottles.

6. I have carefully considered the submissions of both sides and gone through the records and applicable provisions of law.

7. The power to grant licence for the purpose of running a business is provided under Section 102 of the Tamil Nadu Urban Local Bodies Act. In terms of Section 102 (1), no person is entitled to carry on any trade or business, in a private or a public area, situated within the municipal limit, without a licence granted by the Commissioner. Under Section 102 (3), if the applicant complies with the requirements of the Act and Rules made thereunder, the Commissioner is bound to grant a trade licence. Though the petitioner had stated in his application that he requires a trade licence to carry on activities in 77000 and odd sq.ft., the issue could

have been resolved by the Commissioner by exercising the power under proviso to Section 102(3). This enables him to inspect the premises prior to granting the licence.

8. Furthermore, there is a power to grant or refuse to grant licence. The Act does not contemplate the Commissioner to sit upon the application *ad infinitum,* pushing the applicant to approach the Court.

9. The corresponding rule for grant of licence is Rule 289. Initially, the Rules had contemplated grant of a licence only for the trade or business enumerated under Schedules I, II or III appended to the Rules. The State of Tamil Nadu amended the Rules by way of G.O.Ms.No.35 Municipal Administration and Water Supply (MA IV) Department dated 17.03.2025, enlarging the power of the Commissioner to grant licence even for activities not covered under any of the Schedules. The amended Rule empowers the Council to fix a licence fee for such activities. This is under the amended Rule 300-A. When the Constitution guarantees a person, freedom to carry on any trade or business, as long as it complies with the requirements of law, I am unable to appreciate the recalcitrance on part of the respondents in not considering the application, and keeping the same pending.

10. Mr.Arun Kumar states that if the petitioner specifies the extent in which business is to be carried on at No.24, Arunachalam Street, Saligramam, Chennai - 600 093 for the sports facility and for sale of water bottles, soft drinks and food items, the application will be positively considered and the licence will be granted.

11. The petitioner shall represent the application submitted on 19.09.2025, together with a valid demand draft, specifying that the application is for the purpose of selling water bottles and soft drinks.

12. On receipt of the application, the Commissioner shall pass appropriate orders within a period of two weeks.

13. Insofar as the demand of Mr.Arun Kumar, that even recreational activities are liable to be taxed, while agreeing with him, I have to point out that till date, the Greater Chennai Corporation has not fixed any rate of tax for sports activities. It is not an item in any of the Schedules. Hence, the question of demanding fee for an activity, for which the rate has not been fixed, does not arise. If any rate is fixed by the Council, the petitioner shall file an application for that purpose.

14. The writ petition is ordered in the above terms. There shall be no order as to costs.

20.11.2025

Index:Yes/No
Neutral Citation:Yes/No
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To

1.The Assistant Commissioner,
Zone 2, Greater Chennai Corporation,
Kodambakkam, Chennai – 600 024.

2.The Zonal Officer,
Zone 10, Greater Chennai Corporation,
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V. LAKSHMINARAYANAN,J.

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