

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 3rd day of April 1998

B E F O R E

THE HON'BLE MR. JUSTICE CHANDRASHEKHARAI AH

WRIT PETITION No.9969/1998

BETWEEN :

Spencer & Co. Ltd.,  
a Company registered under the  
Companies Act, 1956, having its  
Registered Office at 769, Anna  
Salai, Chennai - 600 002,  
and Office at 86, M.G. Road,  
Bangalore and owners of  
Wimpy Restaurant,  
50, Brigade Road,  
Bangalore, rep. by its  
Restaurant Manager Mr. Sherbet. .. PETITIONER

(By Sri. K.C. Shivasubramanian, Adv.)

AND :

1. Bangalore Mahanagara Palike,  
rep. by its Commissioner,  
Bangalore.
2. Medical Officer for Health,  
Shanthinagar Range,  
Bangalore Mahanagara Palike,  
Mayo Hall, Bangalore. .. RESPONDENTS

(By Sri. Ashok Haranahalli, Adv.)

.. ..

This Writ Petition is filed under Article 226 of the Constitution of India with a prayer to quash vide Ann-M dt.28.2.98 issued by R1 and signed by the R2 and to direct the respondents to issue the trade licence.

This Writ Petition coming on for preliminary hearing this day, the Court made the following:- .. 2

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O R D E R

The petitioner, in this Writ Petition has challenged the endorsement issued by the respondent - Corporation refusing to renew the licence to run the restaurant. The learned Counsel for the Corporation submitted that the order impugned in this Writ Petition is appealable as per bye-law No.35 of Bangalore City Corporation to the Standing Committee. In view of this alternative remedy, I do not propose to entertain this Writ Petition. Since the petitioner has already been running business for the last so many years, it is just and necessary to <sup>✓ permit him to</sup> run the restaurant for certain period in order to enable him <sup>✓</sup> to <sup>✓</sup> ~~have~~ <sup>more in arrears authority for</sup> appropriate relief.

2. In the result I pass the following order: This Writ Petition is rejected reserving liberty to the petitioner to challenge the order impugned in this Writ Petition by way of an appeal as provided <sup>under</sup> in the bye-law. Further, the petitioner is also permitted to run the

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the restaurant for a period of three weeks  
from today in order to enable <sup>1</sup> ~~him~~ ✓ to approach  
the Appellate Court for an interim order.



Sd/-  
JUDGE

CS/-