

In the High Court of Judicature at Madras

Dated: 13.5.2015

Coram:

The Hon'ble Mr. Justice R. Subbiah
and
The Hon'ble Mr. Justice K. Ravichandrababu

Writ Petition No. 14596 of 2015

K. Mariappan Petitioner

vs.

1. The Secretary to the Govt.,
Housing and Urban Development Dept.,
Fort St. George,
Chennai-9.
2. The Commissioner,
Chennai Corporation, Chennai.
3. The Executive Engineer [Enforcement-Region-Central]
Corporation of Chennai-Central,
Shenoy Nagar, Chennai-30. Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India praying to call for the records of the 3rd respondent in NOTICE No. REGION CENTRAL/TPENF/013266/2015 dated 1.4.2015 and the consequential Notice affixed by the 3rd respondent on 6.5.2015 culminating in Locking/Sealing of the petitioner's business premises namely M/s. Anjali Sweets & Snacks situated at No. 38, Kodambakkam Road, West Mambalam, Chennai-33, and quash the same and forbearing the respondents from interfering with the peaceful possession of the property.

For petitioner : Mr. L. G. Sahadevan
For respondent-1 : Mr. R. Vijayakumar, AGP
For R2 & R3 : Mr. V. C. Selvasekaran

O R D E R

[by K. Ravichandrababu, J.]

This Writ Petition has been filed challenging the proceedings of the 3rd respondent dated 6.5.2015 thereby locking and sealing the premises referred to in the writ petition.

2. The contention of the writ petitioner is that, even though the petitioner has got a remedy by way of filing an appeal against the said impugned proceedings before the competent authority, this writ petition is filed urgently before this Court only for the purpose of removing the perishable items kept inside the premises, viz., sweets and snacks. Therefore, it is contended that if the petitioner is not permitted to remove the perishable items kept inside the premises, it would cause great hardship, as well as health hazards to the surrounding public.

3. The learned counsel appearing for the respondents have submitted that the petitioner may be permitted to remove the perishable items kept inside the premises within a time frame fixed by this Court, and thereafter, the respondents may be permitted to re-seal the premises in question. The learned counsel for the petitioner has accepted to the said proposal and however contended that the petitioner may be permitted to file an appeal challenging the impugned locking and sealing notice, in the manner known to law.

4. Needless to say that it is open to the petitioner to challenge the impugned notice in the writ petition before the appellate authority, in the manner known to law. In the mean time, the respondents are directed to de-seal the premises in question on 15.5.2015; thereafter the petitioner shall remove the perishable items kept inside the premises within ten days from the date of receipt of a copy of the order; and on completion of the said period of ten days, the respondents are at liberty to re-seal the premises in question, as stated supra. The Writ Petition is disposed of with these observations. No costs. M.P.Nos.1 to 3 of 2015 are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gs.
To

1.The Secretary to the Govt.,
Housing and Urban Development Dept.,
Fort St. George, Chennai-9.

2.The Commissioner, Chennai Corporation, Chennai.

3.The Executive Engineer [Enforcement-Region-Central]
Corporation of Chennai-Central,
Shenoy Nagar, Chennai-30.

1 cc to Government Pleader, Sr.No95075

3 cc to Mr.L.G.Sahadevan ,Advocate, SR.No.25079

Writ Petition No.14596 of 2015

jp(co)
pmk.14.5.2015



WEB COPY