

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No. 33259 of 2015

B.Yogeswaran

...Petitioner

Vs.

1. The Commissioner
Corporation of Chennai
Ripon Building,
Chennai - 600 003.

2. The Zonal Officer,
Zone -1, Corporation of Chennai,
No. 266, T.H.Road,
Chennai - 600 021.

3. The Assistant Revenue Officer,
Zone -1, Corporation of Chennai,
No. 266, T.H. Road,
Chennai - 600 021.

4. B.Ravichandran

...Respondents

This petition is filed under Article 226 of The Constitution of India praying to issue a writ of mandamus to direct the 2nd respondent to pass orders in pursuance of the enquiry conducted in Ma.Aa.4 Na.Ka. No. UAA 1/1041/15 dated 23.07.2015 as per the direction of the High Court passed in W.P. No. 15824/2012 in respect of renewal of license for the Petitioner's business under the name and style of ''Sri Karumari fabrications'' situated at No. 13/8, Rajiv Gandhi Nagar I Street, Erukancheri, Chennai - 600 118.

For Petitioner : Mr.S.Thiruvengadam

For Respondents 1 to 3 : Mr.P.V.Selvakumar

For Respondent No. 4 : Mr.G.Rajkumar

ORDER

Heard Mr.S.Thiruvengadam, the learned Counsel for the petitioner, Mr.P.V.Selvakumar, learned counsel for the respondent Nos. 1 to 3 and Mr.G.Rajkumar learned counsel appearing for the respondent No. 4 and with the consent of either side, the writ petition itself is taken up for final disposal at the admission stage.

2. The petitioner has sought for an issuance a writ of mandamus to direct the 2nd respondent to pass orders pursuant to an enquiry conducted in the proceedings dated 23.07.2015.

3. The petitioner appears to have been running a fabrication unit at Vysarpadi and according to the petitioner, the unit is situated amidst an industrial area and classified as mixed residential zone and there are several such small units in that area and the complaint made by the 4th respondent is on account of personal animosity.

4. At that time when the writ petition was entertained, a direction was issued on 16.10.2015, to open the premises which was sealed by the Corporation and the Corporation has filed a compliance report that the seals have been removed and the petitioner's license has also been renewed up to 17.11.2015.

5. The grievance of the fourth respondent is that the petitioner is running a fabrication unit in a primary residential area without obtaining license from the Corporation of Chennai and the Pollution Control Board and operating late in the night, inspite of the Corporation having specifically informed the petitioner earlier that they should not operate beyond 6 PM.

6. It is not known as to whether the third respondent while renewing the license, has considered whether the unit is situated in a primary residential area and what is the nature of activity carried out, whether it requires no objection certificate from the Pollution Control Board etc.

7. Taking into consideration the fact that the petitioner's unit has already been opened, this writ petition is disposed of with a direction to the second respondent to conduct a surprise inspection of the area and specifically with regard to the petitioner's establishment and examine as to whether the location of the fabrication unit is in primary residential area and whether it requires a no objection certificate from the Pollution Control Board and thereafter, pass appropriate orders

on merits and in accordance with law, within a period of eight weeks from the date of receipt of copy of this order.

8. With the above direction, the present writ petition is disposed of. Consequently, connected miscellaneous petition are also closed. No costs.

Sd/
ASSISTANT REGISTRAR (CS-III)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

rms/pbn

To

1. The Commissioner
Corporation of Chennai
Ripon Building,
Chennai - 600 003.

2. The Zonal Officer,
Zone -1, Corporation of Chennai,
No. 266, T.H.Road,
Chennai - 600 021.

3. The Assistant Revenue Officer,
Zone -1, Corporation of Chennai,
No. 266, T.H. Road,
Chennai - 600 021.

+1 CC to MR.S.Thiruvengadam Advocate. SR.NO.63400
+1 CC to MR.P.V.Selvakumar Advocate. SR.NO. 63424
+1 CC to MR.G.Rajkumar Advocate. SR.NO. 63405

W.P.No.33259 of 2015

CO-BVR
JD 08/12/2015

WEB COPY