

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2015

CORAM

THE HON'BLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.33273 of 2015 &
M.P.Nos.1 of 2015

S. Ramesh

[PETITIONER]

Vs

1. The Health Officer,
Zonal Health Office,
Corporation of Chennai,
Chennai 600 003.

2.The Revenue Officer,
Revenue Department,
Corporation of Chennai,
Chennai 600 003.

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

[RESPONDENTS]

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the proceedings of the first respondent dated 16.07.2015 in No.39773 and Notice dated 13.08.2015 issued by the second respondent and quash the said proceedings dated 16.07.2015 and 13.08.2015 and consequently forbear the respondents from closing down the applicant unit situate at No.1 & 1-A, Nehru Street, Kalpalayam, Chennai 600 099, or disconnecting the electricity supply to the unit.

For Petitioner ..Mr.P.Anbarasan

For Respondents ..Mr.P.V.Selvakumar

O R D E R

By consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2. Heard Mr.P.Anbarasan, learned Counsel appearing for the petitioner and Mr.P.V.Selvakumar, learned counsel appearing for the respondents.

3.The petitioner is aggrieved by the notice issued by the respondent Corporation under section 287 and 288 of the Chennai City Municipal Corporation Act IV of 1919. In the said notice, the respondent Corporation has pointed out seven discrepancies which the petitioner has to rectify, which are as hereunder:

"1.You should obtain fire NOC from concern authority and submitted to the same.

2.You should obtain pollution NOC from concern authority and submitted to the same.

3.You should provide sufficient No. of Exhaust Fan, Lighting & Ventilatin in your premises.

4.You should remove the cobweb in your premises.

5.You should provide the safety measures for your employees like mask apron, Hand gloves, etc.

6.You should erect the machineries 3 feet away from the wall.

7.You have obtain licence for job work (Lathe works) with 10 HP but you are running stainless steel work with 18 HP. You have seen obtain licence for said above trade activities (3X5+1x3= 18 HP)"

4.The learned counsel for the petitioner submitted that no inspection was conducted and without opportunity to the petitioner, action has been taken and there is a threat to close the petitioner's business premises. The aforesaid notices have been challenged by the petitioner in this Writ Petition.

5.At the time when the Writ Petition was entertained, an order of interim injunction was granted on 15.10.2015, which continues to remain in force.

6.In the light of the objections raised by the learned counsel for the petitioner, there will be a direction to the petitioner to treat the impugned notice dated 16.7.2015 in respect of premises No.1/A, Nehur Streete, Kalpalayam, Chennai 99, as a show cause notice and the petitioner shall submit his explanation /compliance report to the first respondent, within a period of three weeks from the date of receipt of a copy of this order, and on receipt of such explanation, the first respondent shall conduct an inspection, preferably a surprise inspection to

verify the correctness of the representation and after affording an opportunity of personal hearing to the petitioner, pass a reasoned order on merits and in accordance with law, within a period of four weeks thereafter. Till orders are passed as per the above direction, the status quo which is prevailing as on date shall be maintained.

The Writ Petition is disposed of accordingly. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

rpa
To

1. The Health Officer, Zonal Health Office,
Corporation of Chennai, Chennai 600 003.
- 2.The Revenue Officer, Revenue Department,
Corporation of Chennai, Chennai 600 003.
- 3.The Commissioner,
Corporation of Chennai,
Ripon Building, Chennai - 600 003.

+lcc to Mr.P.V. Selvakumar, Advocate, S.R.No.64525
+lcc to Mr.P. Anbarasan, Advocate, S.R.No.64281

SKV(CO)
EU(15/12/2015)

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