

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.6237 of 2015

and

M.P.No.1 of 2015

D.Srinivasan

.. Petitioner

vs.

1. The Commissioner
Corporation of Chennai
Ripon Building
Chennai 600 003.
2. The Zonal Health Officer
Corporation of Chennai
Zone VIII, Chennai.
3. The Assistant Revenue Officer
Corporation of Chennai
Zone VII, Chennai.
4. The Chairman
Tamil Nadu Pollution Control Board
P.H.Road, Arumbakkam
Chennai.
5. The Standing Committee
Corporation of Chennai
Ripon Building
Chennai 600 003.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus forbearing the respondents from interfering or disturbing the day to day business of the petitioner's flour mill business by name, Srinivasa Flour Mill, No.45/123, South Red Hills Road, Villivakkam, Chennai 600 049 pending disposal of the appeal dated 18.06.2014 before the fifth respondent.

For Petitioner : Mr.M.V.Muralidharan

For Respondents: Mr.T.C.Gopalakrishnan
Standing counsel for
RR1,2,3 and 5
M/s.H.Yasmeen Ali
for R4

ORDER

Heard Mr.M.V.Muralidharan, learned counsel for the petitioner, Mr.T.C.Gopalakrishnan, learned Standing Counsel appearing for Corporation of Chennai and M/s.H.Yasmeen Ali, learned counsel appearing for the Tamil Nadu Pollution Control Board.

2. The petitioner seeks for a direction upon the respondents from interfering or disturbing the day to day business of the petitioner's flour mill business by name, Srinivasa Flour Mill, No.45/123, South Red Hills Road, Villivakkam, Chennai 600 049 pending disposal of the appeal dated 18.06.2014 before the fifth respondent.

3. A perusal of the typed set of papers filed along with this writ petition discloses that a notice under Section 365C of Chennai City Municipal Corporation Act dated 11.06.2014 was issued to the petitioner refusing to grant licence to run his flour mill business on account of the fact that the same is causing noise pollution, dust pollution and also due to the complaints received from the public in that locality. Aggrieved against the same, the petitioner filed W.P.No.16968 of 2014 and this Court vide order dated 30.06.2014 dismissed the writ petition taking into consideration the appeal preferred by the petitioner before the Standing Committee dated 18.06.2014 was pending and directed the appellate authority to dispose of the same as expeditiously as possible.

4. The petitioner, now states that the appeal has not yet been disposed and the same is kept pending. It is further stated that the petitioner has submitted a representation dated 21.07.2014 to expedite the disposal of the appeal.

5. In the light of the above, without going into the merits of the contentions raised by the petitioner, there will be a direction to the Standing Committee of the respondent-Corporation to consider the appeal preferred by the petitioner dated 18.06.2014, if the same is in order, on merits and in accordance with law, after calling for a report from the fourth respondent-Tamil Nadu Pollution Control Board and pass appropriate orders on

the same within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

vj2

To

1. The Commissioner
Corporation of Chennai
Ripon Building
Chennai 600 003.
2. The Zonal Health Officer
Corporation of Chennai
Zone VIII, Chennai.
3. The Assistant Revenue Officer
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Chennai.
5. The Standing Committee
Corporation of Chennai
Ripon Building
Chennai 600 003.

1 cc to Mr.T.C. Gopalakrishnan, Sr. 12530

1 cc to m/s. H. YAsmeen Ali, Advocate, sr. 12684

WP.No.6237 of 2015

RV (CO)

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