

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.7692 of 2015
and M.P.Nos.1 & 2 of 2015

D.Srinivasan

[Petitioner]

Vs

- 1 The Commissioner
Corporation of Chennai Ripon Building
Chennai 3
- 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 President
Standing Committee (General Health)
Corporation of Chennai Ripon Building
Chennai 3

[Respondents]

Writ petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus to call for the records relevant to the order in Ni. Ku. (Pothu Sukatharam) Na. Ka. No.01/2014 dt 9.3.2015 passed by the 5th respondent and quash the same as illegal improper unreasonable and natural justice and thereby direct the respondents to grant license for running a flour mill at the rental premises in the name of Srinivasa Flour Mill No.45/123 South Red Hills Road Villivakkam Chennai 49 in the name of petitioner.

For Petitioner : Mr.M.V.Muralidaran

For Respondents: Mr.P.Selvakumar (R1-3 & 5)

ORDER

Mr.P.V.Selvakumar, learned Standing Counsel takes notice for respondents 1 to 3 and 5 and with their consent, the main writ petition is taken up for disposal at the admission stage.

2. The petitioner has filed the above writ petition seeking a writ of certiorarified mandamus to quash the order dated 9.3.2015 passed by the 5th respondent and to direct the respondents to grant license for running a flour mill at the rental premises in the name of Srinivasa Flour Mill, No.45/123, South Red Hills Road, Villivakkam, Chennai 49, in the name of petitioner.

3. The petitioner is running a flour mill in Villivakkam and the order impugned has been passed by the 5th respondent, closing and sealing the petitioner's flour mill on the ground that he has not obtained no objection certificates from the Pollution Control Board, Departments of Health and Engineering, Corporation of Chennai. The petitioner would state that the impugned order has been passed in total violation of principles of natural justice, especially when none of the petitioner's neighbours have raised any complaint. The petitioner would further state that they have paid licence fee to the respondent Corporation and a sum of Rs.4900/- has been collected from him. Further, the petitioner would state that he is operating the Flour mill only with 20 HP Motor and as such there is no requirement to obtain no objection certificate from the Pollution Control Board. Further, the petitioner would state that there is another flour mill situated about 300 meters away from the petitioner's flour mill, which is stated to be belonging to the President of the Flour Mill Owners Association. However, no action has been taken against the same. With these facts, the petitioner has filed this petition, challenging the impugned order dated 09.03.2015.

4. Heard the learned counsel for the petitioner as well as the learned Standing Counsel for the respondent Corporation and perused the materials placed on record.

5. The petitioner Flour mill has been closed on the ground that the petitioner does not possess the required licence. If the petitioner states that he has complied with the conditions and there is no requirement for the licence from the Tamil Nadu Pollution Control Board, then the petitioner should appear before the 5th respondent and place all the papers available with him and it is for the 5th respondent to consider the same and pass appropriate orders. It may be true that the impugned order has been passed without notice, but the impugned order is said to have been passed at the instance of a complaint of an association. Therefore, at this stage of the matter, question of quashing the impugned order does not arise. However, the petitioner should be afforded an opportunity to put forth his contentions.

6. Therefore, the impugned order shall be treated as a show cause notice and the petitioner is directed to submit his reply/objections within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the 5th respondent

shall afford an opportunity of personal hearing to the petitioner and examine all the documents produced by the petitioner and after hearing the petitioner in person pass a reasoned order, on merits and in accordance with law. Since the petitioner has raised a plea of discrimination stating that his flour mill alone has been sealed, the 5th respondent shall also examine the complaint of the petitioner and if it is genuine, shall proceed in accordance with law. The above exercise shall be completed within a period of two weeks from the date of receipt of objections filed by the petitioner.

7. The learned counsel for the petitioner submitted that the materials belonging to his customers are in the flour mill and therefore, that should be permitted to be removed. If that be the case, on a representation made to the respondents 3 to 5 by the petitioner, the respondents shall permit removal of the materials belonging to the petitioner's customers and thereafter once again close the flour mill of the petitioner and abide by the above direction.

The writ petition is disposed of with the above directions. No costs. Connected miscellaneous petitions are closed.

rg

s/d-
Assistant Registrar(CS-III)
Dt:19/3/2015

True Copy

Sub-Assistant Registrar

To

- 1 The Commissioner
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+ 1 cc to Mr.M.V.Muralidaran, Advocate SR 15245

vsn(co)
prk19/3

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