IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:20.02.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P.NO.15824 of 2012

B. Ravichandran

.. 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,
   266, T.H. Road, Chennai 600 021.

4. Mr. Yogeswaran,
   No.13/8, 1st Street, Rajiv Gandhi Nagar,
   Erukkancheri, Chennai 600 118. .. Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Mandamus to direct the respondents 1 to 3 to seal the unauthorised Fabrication Unit run by the 4th respondent at No.13/8, Rajiv Gandhi Nagar, Erukkancheri, Chennai 600 118 once for all .

For Petitioner : Mr. S.Sankaran

For Respondents: M/s.A.Karthika Ashok (R1 to R3)
Mr.S.Thiruvengadam (R4)

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ORDER

Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents and perused the materials available on record.

2. The petitioner has filed this Writ Petition seeking a direction to the respondents 1 to 3 to seal the unauthorised Fabrication Unit of 4th respondent.

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3. The allegation is that the 4th respondent is running a fabrication unit without licence in that area, where such type of activities cannot be conducted.

4. Learned counsel for the respondent Corporation submitted that the Fabrication Unit has been in existence for several years and prior to the filing of the Writ Petition, 4th respondent had a licence, subsequently the same has not been renewed due to the pendency of the Writ Petition and objection raised by the petitioner and neighbours of premises where the 4th respondent is running Fabrication Unit. It is true that the 4th respondent's application for renewal of licence is now pending with the respondent Corporation.

5. In the light of the above, there will be a direction to the 2nd respondent to consider the 4th respondent's application for grant of licence to run the Fabrication Unit, before which, the 2nd respondent shall issue notice to the petitioner and the 4th respondent, hear their objections and if there are any other objections from the respondent or other objectors, he should also hear the same and thereafter, the 2nd respondent shall consider the objections taking into consideration the classification of the area etc., and then pass a reasoned order on merits in accordance with law. The above direction shall be complied with within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected M.P.No.1 of 2012 is closed.

Sd/-
Deputy Registrar (Judicial)

/true copy/

Sub Asst. Registrar

msr

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.

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3. The Assistant Revenue Officer,
Zone-1, Corporation of Chennai,
266, T.H. Road, Chennai 600 021.

2 ccs to Mr.S. sankaran, Advocate, sr. 10033
1 cc to M/s. Karthika Ashok, Advocate Sr. 9790

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