

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.42755 of 2015

ORDER:

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This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking the following relief/s:-

“....to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the second respondent in not acting on the representations dated 8.09.2015 and 10.12.2015 and consequently, direct the respondent authorities to act on the basis of the representation made by the petitioner and close the operations of the third respondent, lessee "Shree Nanha Punjab" as violative of the Food Safety and Standards Act, 2006 and the Food Safety and Standards (Licensing and Registration of Food Businesses), Regulations 2011 and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

(Reproduced Verbatim)

I have heard the submissions of the learned counsel for the writ petitioner and the learned standing counsel for GHMC representing the 2nd respondent. I have perused the material record.

The grievance of the writ petitioner as per the submissions made is that there are 12 residential flats in Srinivasa Enclave and that in that residential complex there are three mulgies in the ground floor and that in one of the mulgies, which was let out by its owner to the 3rd respondent, the 3rd respondent is running a business under the name and style “Shree Nanha Punjab”; and that for the said business purpose, the 3rd respondent is preparing tandoori chicken/grilled chicken in large quantities by burning on wood and coal stoves; and that the said preparations which are going on till late night are causing pollution on account of the smoke and spicy smell that was emanating; and that the smoke emanating in large volumes is entering the residential flats; and that some unruly mob is gathering at that place at late hours of the night; and that being aggrieved, the petitioner had submitted a representation dated 08.09.2015 to the 2nd respondent;

and that as there was no action on such representation, a reminder representation was also submitted on 10.12.2015; and that since no action was taken, the writ petition is filed by the aggrieved petitioner.

The learned counsel for the writ petitioner, while reiterating the submissions in the affidavit filed in support of the writ petition, which are adverted to supra, in brief, seeks necessary directions to the respondents to dispose of the representations in accordance with the procedure established by law.

The learned standing counsel would submit that an appropriate direction be given to dispose of the representations of the petitioner as per law and procedure.

The learned counsel for the writ petitioner would submit that the grievance of the writ petitioner would be met, if such a direction, as sought for is given.

Recording the submissions, the writ petition is disposed of directing the 2nd respondent to dispose of the representations dated 08.09.2015 and 10.12.2015 of the petitioner in strict accordance with the procedure established by law, however, within four (4) weeks from the date of the receipt of a copy of this order. There shall be no order as to costs.

Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand dismissed.

M.Seetharama Murti, J

31st December, 2015
cbs

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