

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. No.16463 of 2013

A.Ramesh Manikandan, Advocate. .. Petitioner

-vs-

State, Rep. By

- 1.The Central Pollution Control Board,
Parivesh Bhavan, CBD-cum-Officer
Complex, East Arjun Nagar,
Delhi 110 032.
- 2.The Tamil Nadu Pollution Control Board,
No.76, Mount Salai, Guindy,
Chennai 600 032.
(RR 1 and 2 deleted as per order of Court
dt.21.01.2016 in WP.)
- 1.The Superintending Engineer,
Tamil Nadu Highways Department,
Teynampet, Chennai 600 018.
- 2.The Designated Officer,
Food Safety Wing, Kancheepuram.
(RR1 and 2 suo motu impleaded as per
order of Court dt.21.06.2016 in WP.)
- 3.The Secretary,
Municipal Administration,
Govt. of Tamil Nadu, Secretariat,
Chennai 600 009.
- 4.The Collector,
Chennai District, Rajaji Salai,
Chennai 600 001.
- 5.The Commissioner,
Corporation of Chennai,
Ribbon Buildings, Chennai 600 003.

6.The Junior Engineer,
Corporation of Chennai,
Anna Main Road, Kandanchavadi,
Chennai 600 096.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct all the respondents to take necessary action on the petitioner representation dated 20.05.2013.

For Petitioner : Mr.A.Ramesh Manikandan
Petitioner-in-person

For Respondents : Mr.S.T.S.Murthi,
Govt. Pleader for RR 1 to 4, 7 & 8
: Mr.C.Ravichandran for RR 5 & 6

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

The grievance made by the petitioner is that a number of hotels and food shops are seen in Ward No.184, Zone 14, M.G.R. Salai, Kandanchavadi. It is alleged that no licence has been issued and despite the representation of the petitioner dated 20.05.2013, no action has been taken.

2.The counter-affidavit filed by the first respondent on behalf of the first two respondents states that they are not concerned with the controversy in question of illegal functioning of food shops / hotels and encroachments in roads, which pertain to Local Administration. Thus, the first two respondents are deleted from the array of parties.

3.The counter-affidavit filed by the Corporation / the 5th and 6th respondents, refers to the necessity of having the Tamil Nadu Highway Department as a party since the allegations qua the encroachments upon the storm water drain pertain to that authority, as also the Designated Officer, Food Safety Wing, Kancheepuram, who is the authority to take action against the illegal food shops and hotels. The Superintending Engineer, Tamil Nadu Highways Department and The Designated Officer, Food Safety Wing, are, thus, impleaded as the first and second respondents in the present petition.

4.The counter-affidavit of the fifth and sixth respondents shows that on 04.09.2013, the Superintending Engineer / first respondent was addressed over the issue of encroachment upon the storm water drain by some hotels and food shops. Simultaneously, a letter on the same date was also addressed to

the Designated Officer of the Food Safety Wing / second respondent, for taking necessary action against the food shops and hotels functioning over the storm water drain and adjoining thereto.

5. But, nothing has since been done which is apparent on the reminder dated 16.06.2016 being sent, i.e. possibly when the present matter was notified for listing. It is stated that 40 licences were issued to food shops and hotels situated in the un-encroached portion.

6. On hearing the petitioner and the learned counsel for parties, we issue the following directions:

1. All encroachments on the storm water drain should be removed in accordance with law by the newly added first respondent;
2. An inspection of the area should be carried out by the newly added second respondent to verify that the licenced hotels are selling food which meets the purity standards;
3. If the licences have expired, then action in accordance with law should be taken to close down all the unlicensed hotels / shops;
4. The authorities should act in tandem to ensure that the area is encroachment free, the hotels / food shops are confined to areas for which licence is issued, the licences are subsisting and the food sold even by the licensed shops reach the relevant standards.

7. The necessary action be undertaken within a maximum period of three (3) months of the receipt of a copy of this order.

8. Writ Petition, accordingly, stands disposed of. No costs.

Sd/-

Assistant Registrar (CS II)

//True Copy//

Sub Assistant Registrar

To

1. The Superintending Engineer,
Tamil Nadu Highways Department,
Teynampet, Chennai 600 018.

2.The Designated Officer,
Food Safety Wing, Kancheepuram.
(RR1 and 2 suo motu impleaded as per
order of Court dt.21.06.2016 in WP.)

3.The Secretary,
Municipal Administration,
Govt. of Tamil Nadu, Secretariat,
Chennai 600 009.

4.The Collector,
Chennai District, Rajaji Salai,
Chennai 600 001.

5.The Commissioner,
Corporation of Chennai,
Ribbon Buildings, Chennai 600 003.

6.The Junior Engineer,
Corporation of Chennai,
Anna Main Road, Kandanchavadi,
Chennai 600 096.

+1cc to Dr.C.Ravichandran, Advocate sr.34469

+1cc to Mr.A.Ramesh Manikandan, Advocate Sr.34200

+1cc to the Government Pleader Sr.34397

W.P.No.16463 of 2013

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srg 19/07/2016

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