

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.12.2016

CORAM

THE HON'BLE MR.JUSTICE M.S.RAMESH

W.P.No.19899 of 2013

and M.P.Nos.1 and 2 of 2013

M/s.Thalappakatti Hotels Pvt.Ltd.,
Represented by its Director, D.Nagsasamy
Having office at : 5/10- 73 E,
Seven Wells Street,
St.Thomas Mount, Chennai 600 016. .. Petitioner

Vs

- 1.The Chief Executive Officer,
Cantonment Board,
Office of the Cantonment Board,
St.Thomas Mount,
Chennai 600 016.
- 2.The Assistant Health Officer,
Cantonment Board,
Office of the Cantonment Board,
St.Thomas Mount, Chennai 600 016. ... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus, calling for the records of the respondents notice dated nil issued under Section 283 of the Cantonment Act, 2006, quash the same and consequently, direct the respondents to return all the materials seized from the petitioner premises situated at 5/10 - 73 E, Seven Wells Street, St.Thomas Mount, Chennai 600 016, so as to enable the petitioner to carry on his activities.

For Petitioner : Mr.R.Krishnamurthy Sr.Counsel for
Mr. A. Jenasenan
For Respondents : Mr.Chevahan Mohan for
Mr.C.Mohan for King & Patridge

O R D E R

By an order which is impugned in this writ petition, the respondents had seized all the materials from the centralised kitchen run by the petitioner.

2. Heard Mr.R.Krishnamurthy, learned counsel appearing for the petitioner and Mr.Chevahan Mohan, learned counsel appearing for the respondents.

3. The Centralized kitchen of the petitioner was granted licence by the Cantonment Board for the purpose of manufacturing food articles. The Centralised kitchen was inspected by the Board on 17.05.2013. On 21.05.2013, certain deficiencies relating to hygiene were noted and thereby after show cause notice to the petitioner, the kitchen articles were seized on 18.07.2013. Aggrieved against the same, the petitioner has filed the present writ petition.

4. It is brought to the notice of this Court that pending the writ petition, the earlier licence granted to the petitioner had expired and their renewal application was pending. The respondent had also recommended for grant of licence to the petitioner and accordingly, the petitioner's licence has been renewed, which according to the respondents, have been done after inspection.

5. In view of the subsequent licence being granted after inspection, it would be appropriate that a direction be given to the respondents to return back the seized kitchen articles of the petitioner to enable them to continue with the manufacture of food articles.

6. Accordingly, the petitioner is granted liberty to make an application dated 28.03.2013 to the respondents seeking for return of the seized food articles and on receipt of such application, the respondents shall consider the same favourably, within a period of twelve weeks from the date of receipt of a copy of the representation.

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With the above observation, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kkd

To

- 1.The Chief Executive Officer,
Cantonment Board,
Office of the Cantonment Board,
St.Thomas Mount,
Chennai 600 016.
- 2.The Assistant Health Officer,
Cantonment Board,
Office of the Cantonment Board,
St.Thomas Mount, Chennai 600 016.

+lcc to Mr.A. Jenasenar, Advocate, S.R.No.71083
+lcc to Mr.King and Partridge, Advocate, S.R.No.70761

sr(CO)
md(18/01/2017)

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