

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 29.02.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.4883 of 2016

&

W.M.P.Nos. 4242 & 4243 of 2016

Chitiraikumar .T.

... Petitioner

Versus

1. The Corporation of Chennai
Rep by its Commissioner
Chennai.
 2. The Deputy Revenue Officer
Zone 13 Corporation of Chennai
Adyar, Chennai 20.
 3. The Zonal Health Officer
Zone 13 Corporation of Chennai
Adyar, Chennai 20.
 4. A.Mohammed Salem
(intervenor impleaded as R4 as per
order made in M.P.No.6775/16
dated 29.02.2016)
- ... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of certiorarified mandamus, to call for the records of the 2nd respondent in his notice dt 4.2.2016 (served on 5.2.2016) and to quash the same as being illegal and unsustainable in law and for a consequential direction to the respondents to remove a lock and seal place on the shop belonging to the petitioner at No. 39 L.B.Road Adayar Chennai 20 on 6.2.2016, without following the procedure established by law.

For Petitioner : Mr.Vijay Narayan, Sr.Counsel
for Mrs.N.Kavitha Rameshwar

For Respondents : Mr.P.H.Arvind Pandian,
Additional Advocate General

assisted by Mr.P.V.Selvakumar,
Standing Counsel -R1 to R3

For Intervenor/R4 : Mr.G.Jermiah

O R D E R

Heard Mr.Vijay Narayan, learned Senior Counsel assisted by Mrs.N.Kavitha Rameshwar, learned counsel for the petitioner and Mr.P.H.Arvind Pandian, learned Additional Advocate General, assisted by Mr.P.V.Selvakumar, learned Standing Counsel for the respondent Corporation and Mr.G.Jermiah, learned counsel appearing for the intervenor/fourth respondent. With the consent of the learned counsels, the Writ Petition is taken up for final disposal.

2. The petitioner has filed this Writ Petition challenging the proceedings issued by the Health Department of the respondent Corporation for closure of the shop in question on the ground that is maintained in an unhygienic manner.

3. On account of the serious disputes raised in this Writ Petition, several orders were passed by this Court from time to time. Ultimately, by an order dated 18.02.2016, the officials of the respondents were permitted to unseal the premises, the Officials were also directed to inspect the premises and to submit a report to this Court. Accordingly, the Zonal Health Officer, Assistant Revenue Officer and the Zonal Officer/District Revenue Officer, Zone-13, have submitted a report on 22.02.2016. The report reads as follows:

" Based on the Honourable High Court order the sealed premises at 39, L.B.Road, Adyar, Chennai 600 020 was opened in the presence of Zonal Health Officer, Assessor, Sanitary Officer, Sanitary Inspector and License Inspector on 22.02.2014 at 12.50 p.m. and photographs were taken during the process.

The front entry hall where cash was collected was pasted with wall board all over and the flooring was filled with full of debris. In the second room where the chickens cutting area the flooring and draining facility was same and no annual improvements were seen. In the inner room where the live chickens were kept, blood stains were seen in the wall and also cob webs were seen in the roof. Unused materials were also kept in the place.

After taking the photos in the shop, it was again closed and sealed in the presence of the above said officials. The photographs are attached herewith for kind reference."

4.Thus, from the above report it is prima facie clear that the entire premises was maintained in a most unhygienic manner. Therefore, the respondents are justified in sealing the shop. Though there might have been some untoward incident, it is alleged that certain people claiming to be the Advocates participated, but the officials of the respondent Corporation have not been able to establish the said fact.

5.Be that as it may, the fact that the Shop has been sealed, the petitioner who was running the 'Chicken Stall' should be given an opportunity to remedy the situation and present the premises for re-inspection, so that the authorities can conduct an inspection and be satisfied that the shop is fit to be used as a 'Chicken Stall'.

6.In the light of the above, the official respondents are directed to unseal the premises to enable the petitioner to carry out the maintenance/renovation work and such renovation work shall be completed within a period of six weeks from the date of receipt of a copy of this order and the petitioner is directed to submit a request to the respondents to inspect the shop. On receipt of such request, the respondent Corporation shall inspect the Shop and pass appropriate orders in accordance with law, within a period of two weeks thereafter. It is made clear that till the shop is certified to be fit to be utilised for running the 'Chicken Stall', the petitioner shall not be entitled to carry on any business activities in the Shop and he is entitled only to carry on renovation work to make the shop fit for re-inspection.

With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

rpa

To

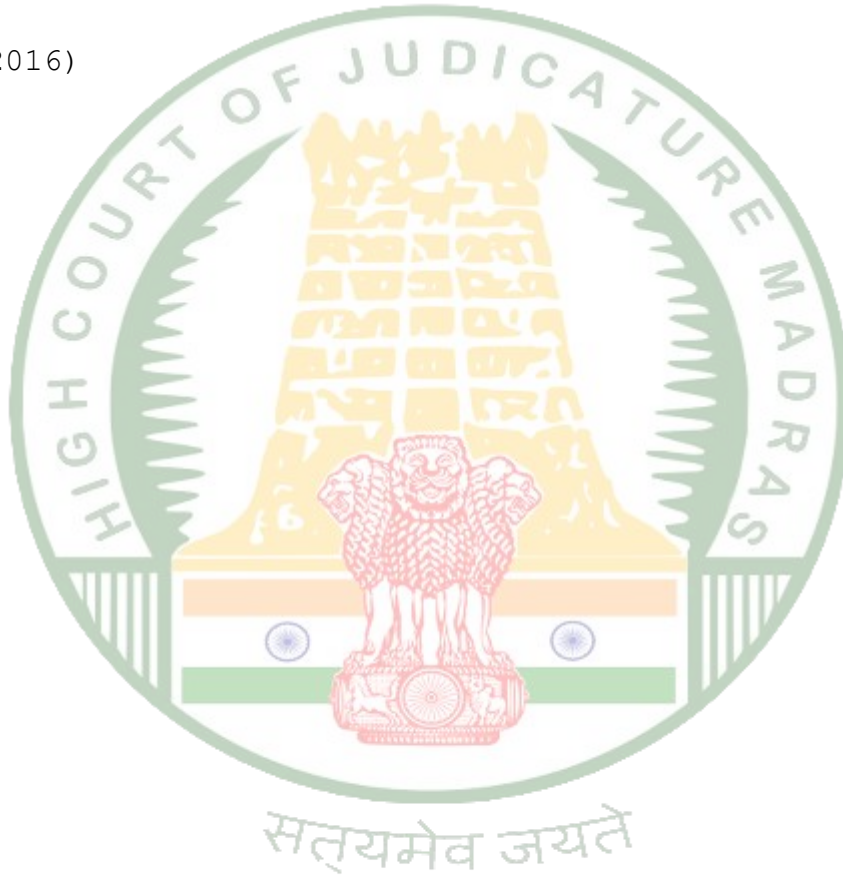
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+1cc to Mr.P.V.Selvakumar, Advocate, S.R.No.12943
+1cc to Mr.G.Jermiah, Advocate, S.R.No.12632
+1cc to Mrs.N.Kavitha Rameshwar, Advocate, S.R.No.12492

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KSJ(CO)
CA(03/03/2016)



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