

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2016

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THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.7043 of 2016
and W.M.P.No.6255 of 2016

M.P.I.Exports (P) Ltd.,
Rep. by its Director,
Mr.K.K.Sood
No.67, Developed Plot SP.Industrial Estate,
Ambattur, Chennai - 600 058. .. Petitioner

Vs

1.The Deputy Director,
Industrial Safety and Health,
Division - 2,
A-22, Thiru.Vi.Ka Industrial Estate,
Guindy, Chennai - 600 032.

2.M/s.S.S.A. Pack,
A firm of partnership, Mr.V.N.Lakshmanan,
having office at No.67, Developed Plots (SP)
Ambattur Industrial Estate, Chennai - 600 058.

3.V.R.Padamanabhan
4.V.A.Lakshmanan .. Respondents

Writ Petition filed under Article 226 of the Constitution of India,
praying to issue a Writ of Mandamus, directing the first respondent to
forthwith order stoppage of the manufacturing activities carried on by
respondents 2 to 4 herein in an illegal and unlawful manner in the factory

premises bearing No.68/72, SP Ambattur Industrial Estate, Ambattur, Chennai - 600 058.

For Petitioner : Mr.B.Harikrishnan
For Respondents : Mr.S.Satish (For R2)
No appearance (For R1, R3 & R4)

ORDER

Heard Mr.B.Harikrishnan, learned counsel appearing for the petitioner and Mr.S.Satish, learned counsel appearing for the second respondent and with their consent, this Writ Petition is taken up for final disposal.

2.The petitioner, who owns the property at No.68/72, Developed Plots (SP), Industrial Estate, Ambattur, Chennai - 600 058 which has been leased out to a partnership firm, namely, the second respondent herein represented by the respondents 3 and 4 as partners, has filed this writ petition alleging that the second respondent is operating a factory using high pressure boilers to manufacture corrugated boxes without obtaining proper license from the competent authority.

3.The learned counsel for the second respondent admitted that already notice has been issued by the first respondent and pursuant to which,

the respondents 2 to 4 appeared before the first respondent.

4.Be that as it may. Action appears to have been initiated by the first respondent only based upon the complaint given by the petitioner on 05.01.2016. Therefore, the petitioner is entitled to know as to what happened to his complaint, what action has been taken and what orders have been passed? However, this Court is conscious of the fact that there is landlord-tenant dispute between the petitioner and the second respondent and the second respondent filed a suit against the petitioner before the District Munsif Court, Ambattur in O.S.No.460 of 2015 for bare injunction and the suit is pending. It is made clear that this proceeding has got absolutely nothing to do with the alleged move of the petitioner to evict the respondents 2 to 4 or the apprehension of the respondents 2 to 4 that the petitioner would evict them without following due process of law. This Court is only concerned with the fate of the complaint given by the petitioner to the first respondent alleging that the respondents 2 to 4 are operating high pressure boilers to manufacture corrugated boxes without obtaining any licence. Therefore, the first respondent is directed to consider the representation/complaint given by the petitioner on 05.01.2016 and issue a notice to the respondents 2 to 4 calling for proper information and if necessary, conduct an inspection by authorising one of his subordinate officer and thereafter pass a speaking order and

communicate the same to the petitioner as well as to the respondents 2 to 4. the petitioner is directed to enclose a copy of the representation/complaint dated 05.01.2016 along with the copy of this order and forward the same to the first respondent. The above direction to be complied with, within a period of six weeks from the date of receipt of a copy of the order.

5. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

16.06.2016

cse
Index:Yes/No
Internet:Yes/No
To

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T.S.SIVAGNANAM,J

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