

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.12.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE SATRUGHANA PUJAHARI

WP.No.31704/2017

Mr.R.S.Senthil Kumar

.. Petitioner

Versus

- 1.The Commissioner of Corporation
Rippon Building, Chennai 600 003.
- 2.The Commissioner of Police
Vepery, Chennai 600 007.
- 3.The Director of Fire and Rescue Service
Government of Tamil Nadu
No.1, Greams Road, Thousand Lights
Chennai 600 006.
- 4.The Commissioner of Food Safety
5th Floor of DMS Office Building,
359, Anna Salai, DMS Campus
Teynampet, Chennai 600 006.
- 5.The Chairman
Tamil Nadu Pollution Control Board
76, Mount Salai, Guindy, Chennai 600 032.
- 6.The Zonal Officer
Zone-VIII, Corporation of Chennai
Pulla Avenue, Shenoy Nagar
Chennai 600 030.
- 7.Mr.Surya Narayanan
Proprietor of "Vaishnavaas" Fast Food
No.V, 78, [Old No.95]
5th Main Road, Anna Nagar
Chennai 600 040.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for a writ of mandamus directing the 1st to 6th respondents to consider the representation dated 05.10.2017 and take necessary action against the 7th respondent within the time

frame fixed by this Court.

For Petitioner : Mr.T.V.Suresh Kumar
For RR 1 & 6 : Dr.C.Ravichandran
For RR 2 to 4 : Mrs.M.E.Rani Selvam, AGP

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.,]

By consent, the writ petition is taken up for final disposal. Dr.C.Ravichandran, learned Standing counsel accepts on behalf of the respondents 1 and 6 and Mrs.M.E.Rani Selvam, learned Additional Government Pleader accepts notice on behalf of the respondents 2 to 4.

2 The petitioner claims that he is a resident of Door No.V-26, V Block, 10th Street, Anna Nagar, Chennai 600 040 and the 7th respondent is running a restaurant in the residential premises on the rear side of the petitioner's house in the name and style as "Vaishnavaa's" Restaurant. According to the petitioner, the said business is being carried on by the 7th respondent in a primary residential zone and without any licence or permission from the Corporation of Chennai and in this regard, the petitioner has also submitted a representation dated 05.10.2017 to the 1st respondent through on-line and despite receipt and acknowledgment, no action has been taken so far to abate the said nuisance and hence, the petitioner came forward to file the present writ petition.

3 The learned counsel for the petitioner would submit that since the said area is classified as "primary residential zone", it is not open to the 7th respondent to run a Restaurant / Eatery, that too without obtaining any permission/license from the Corporation of Chennai.

4 Dr.C.Ravichandran, learned counsel appearing for the respondents 1 and 6 seeks time to get instructions as to whether the 7th respondent is having a licence to run the Restaurant or not?

5 This Court has also summoned Mr.A.Kumar, learned Standing counsel for the Chennai Metropolitan Development Authority to know whether the 10th Street, Anna Nagar is a residential zone or mixed residential and commercial zone and on instructions, he would submit that the said area is classified as "Primary Residential Zone".

6 The Court heard the submissions of Mrs.M.E.Rani Selvam, learned Additional Government Pleader appearing for the respondents 2 to 4 and also perused the materials placed before

it.

7 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, either in his representation or in this writ petition, directs the 6th respondent to inspect the Eatery / Restaurant being run by the 7th respondent, after putting the petitioner as well as the 7th respondent on notice and depending upon the result of the same, shall consider and dispose of the petitioner's representation dated 05.10.2017 on merits and in accordance with law and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as the 7th respondent herein.

8 The writ petition stands disposed of with the above direction. No costs.

s/d-
Assistant Registrar(CS-V)

True Copy

Sub-Assistant Registrar

AP
To

- 1.The Commissioner of Corporation
Rippon Building, Chennai 600 003.
- 2.The Commissioner of Police
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- 3.The Director of Fire and Rescue Service
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- 5.The Chairman
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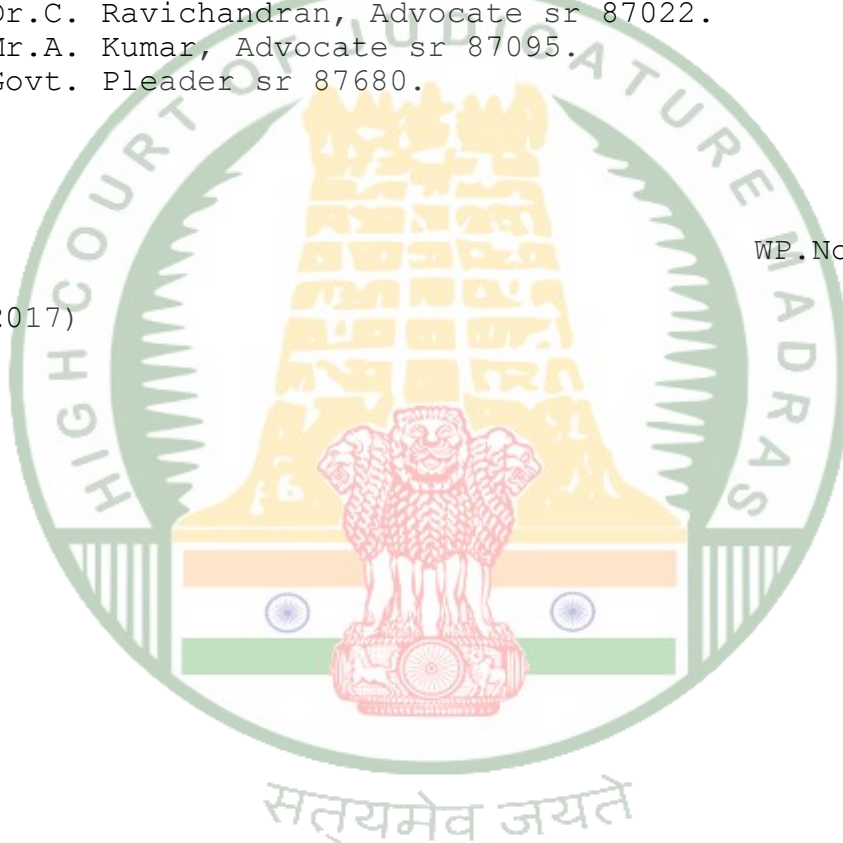
6.The Zonal Officer
Zone-VIII, Corporation of Chennai
Pulla Avenue, Shenoy Nagar
Chennai 600 030.

7.Chennai Metropolitan Development Authority
rep.by the Member Secretary, Egmore,
Chennai 600 008.

+2 CC to Ms. Genicon and Associates, sr 87008.
+1 CC to Dr.C. Ravichandran, Advocate sr 87022.
+1 CC to Mr.A. Kumar, Advocate sr 87095.
+1 CC to Govt. Pleader sr 87680.

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SP(28/12/2017)



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