

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2017

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH

W.P.No.12087 of 2017
and
W.M.P.No.12924 of 2017

M.Jawahar ... Petitioner

vs.

Pallavaram Municipality,
Rep. by its Commissioner,
Chromepet, Chennai 600 044. Respondent

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus to call for the records relating to the respondent's letter in Proceedings No.663/2017/H1 dated 02.03.2017 and quash the same and consequently direct the respondent to consider and pass orders on the petitioner's application dated 11.02.2017.

For Petitioner ... Mr.K.Sakthivel

For Respondent ... Mr.P.Srinivas

ORDER

Challenging the proceedings of the respondent dated 02.03.2017 and for a consequential direction to the respondent to consider and pass orders on the petitioner's application dated 11.02.2017, the present writ petition has been filed.

2.By the impugned proceedings, the request of the petitioner to remove the seal was rejected. Incidentally, the application filed by the petitioner seeking permission was also rejected, though it has been stated that as per the order of this Court, it will have to be considered.

3.Learned counsel appearing for the petitioner would submit that in the same building, there are both residence and the fabrication units. The petitioner is not running a unit. Since the front door has been sealed, the seal may be removed only for the purpose of using the building for the residential purpose. Further submission has been made that under those circumstances,

application seeking permission may be considered on its own merits.

4.Learned counsel appearing for the respondent would submit that so long as the petitioner runs the unit without permission, this Court need not pass appropriate orders in favour of the petitioner. Insofar as the request for permission is concerned, the same would be considered on its own merits.

5.Considering the above, this Court is inclined to direct the respondent to remove the seal after satisfying that the petitioner is not running the welding and fabrication unit in the said place. If the petitioner does so, contrary to the undertaking given before this Court through the counsel, it is well open to the respondent to seal it once again and take further action.

6.Admittedly, the application of the petitioner has not been considered though it was made on 11.02.2017. In such view of the matter, a direction is issued to the respondent to consider the application of the petitioner and pass appropriate orders on the same within a period of eight weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

mmi

To

The Commissioner,
Pallavaram Municipality,
Chromepet, Chennai 600 044.

+1cc to M/S.K.Sakthivel, Advocate Sr. 42245
+1cc to Mr.P.Srinivas, Advocate Sr. 42589

W.P.No.12087 of 2017

NR(CO)
VR(28/06/2017)