

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2017

CORAM:

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

W.P.No.25851 of 2013

M.Shanbaga Kani

... Petitioner

vs.

1. The Commissioner,
Corporation of Chennai,
Ripon Buildings,
E.V.R. Salai,
Chennai 600 003.
2. The Zonal Health Officer,
Health Department, Zone-III,
Ripon Buildings, E.V.R. Salai,
Chennai 600 003.
3. The Revenue Officer,
Revenue Department,
Ripon Buildings,
E.V.R. Salai,
Chennai 600 003.
4. S.Venkatesan ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying the issuance of a writ of mandamus, directing the respondents 1 to 3 to take appropriate action against the 4th respondent under Section 379(A) of CCMC Act, 1919, as per the Report dated 01.11.2011, who is continuing to run the Tiffin Centre in the name and style "Annai Tiffin Centre" at Door No.49, Strahanas Road, Pattalam, Chennai - 600 012.

For Petitioner : Mr.S.Bhuvaneshwaran
For Respondents 1 to 3 : Mr.A.Nagarajan
For 4th Respondent : No appearance

O R D E R

The petitioner has come up with this Writ Petition seeking a direction to respondents 1 to 3 to take appropriate action against the 4th respondent under Section 379(A) of CCMC Act, 1919, as per the Report dated 01.11.2011, who is continuing to run the Tiffin Centre in the name and style of "Annai Tiffin

Centre'' at Door No.49, Strahanas Road, Pattalam, Chennai - 600 012.

2. The Zonal Health Officer, Zone-III has submitted a Report in W.P.No.18816 of 2011 on 19.11.2011 and the relevant portion of the same is extracted hereunder:

"2. It is submitted that in this connection, Balaji Tiffin Centre at No.49, Strahans Road, Pattalam, Chennai - 600 012, was inspected by the Zonal Health Officer on 23.08.2011 and notice (Notice Number 06803) was served under Section 279 of CCMC Act, 1919 and under Section 44 of the Tamil Nadu Public Health Act, 1939 to the licensee carried out the following improvements number 1 to 9.

(i) You are encroached in the road side and distributing the food to the customers. It should be stopped.

(ii) Wholesome drinking water arrangements should be provided.

(iii) You are letting out the drainage water into the storm water drain. It should be stopped. Hence, you are directed to let out the drainage into the proper drainage connection

(iv) You are serving the food unhygienic condition (fly nuisance) in open area. It should be served only inside of the premises.

(v) There is no toilet arrangement for the building. Hence, you are directed to provide toilet facilities.

(vi) There is no separate kitchen arrangement. You are directed to provide separate kitchen. Do not prepare the food on the platform.

(vii) Building white wash is not done. So, building white wash should be done.

(viii) Fire license should be produced.

(ix) You are throwing the waste food and garbages on the road side. Hence, you are directed to provided covered dust bin and it should be emptied at the time of Corporation conservancy vehicle arrived to avoid the Public

Health nuisance.

7. It is submitted that, if the trader continues the business as Tiffin Centre, appropriate action will be taken by the Revenue and Health Department under Section 379(A) of CCMC Act, 1919 by due process of law."

3. Though the name of the 4th respondent viz. S.Venkatesan is printed in the cause list, none appeared on his behalf. It is seen that previously, the 4th respondent was running a business in the name and style of 'Balaji Tiffin Centre' in the premises in question and thereafter, he changed the name of the Tiffin Centre as 'Annai Tiffin Centre'. Admittedly, the Tiffin Centre is being run without any authorisation and a notice has already been served on the 4th respondent to vacate the premises. While so, according to the petitioner, even though the name of the Tiffin Centre has been changed, it is still being run by the 4th respondent/Venkatesan.

4. Since the 4th respondent has not complied with any of the conditions in the notice issued by the Corporation, the respondent/Corporation shall vacate the Tiffin Centre run by the 4th respondent within 24 hours from the date of receipt of a copy of this order, in which regard, it is open to the respondent to take the assistance of Police.

This Writ Petition is disposed of with the above direction and observation. No costs.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

सत्यमेव जयते

(aeb)

To

1. The Commissioner,
Corporation of Chennai,
Ripon Buildings,
E.V.R. Salai,
Chennai 600 003.
2. The Zonal Health Officer,
Health Department, Zone-III,
Ripon Buildings, E.V.R. Salai,
Chennai 600 003.

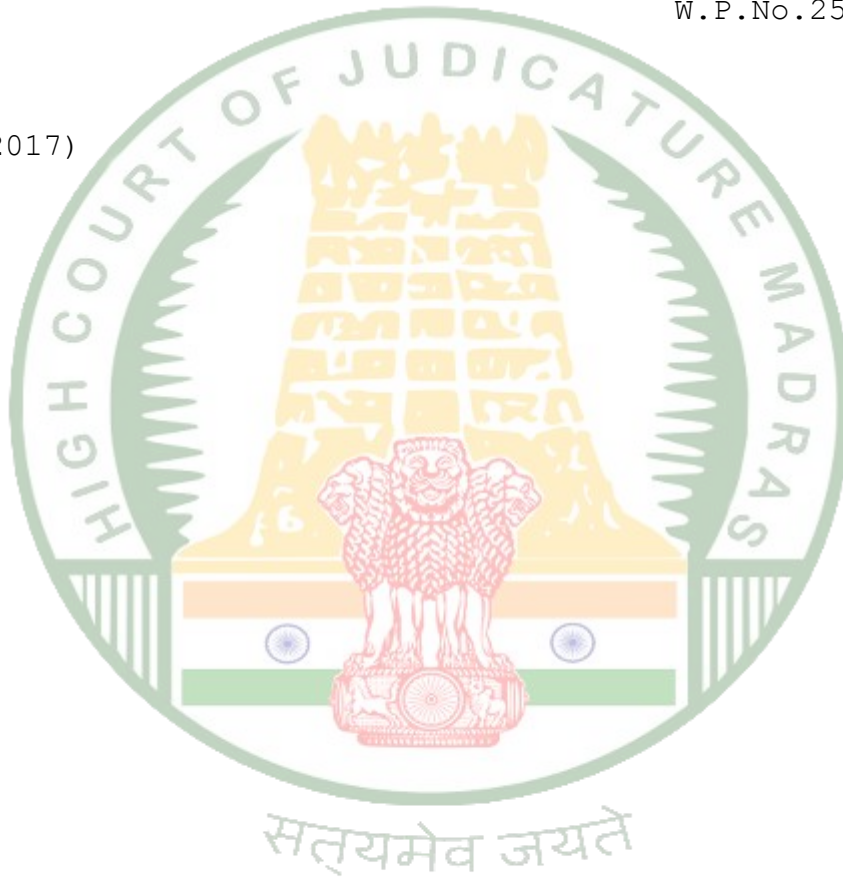
3. The Revenue Officer,
Revenue Department,
Ripon Buildings,
E.V.R. Salai,
Chennai 600 003.

+1 CC to Mr.S.Bhuvaneswaran , Advocate sr 87625.

+1 CC to Ms.R. Arunmozhi, Advocate sr 87567

W.P.No.25851 of 2013

SP(26/12/2017)



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