

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.01.2017

CORAM:

THE HON'BLE MR.JUSTICE T.RAJA

W.P.No.30685 of 2016

&

WMP.No.31588 of 2016

A.Kamala
Proprietor,
Sri Bhavani Amman Flour Mill,
No.5, Janakiram Nagar,
Teachers Colony,
Puthagaram,
Chennai-600 099. ... Petitioner

Vs.

1.The Corporation of Chennai,
rep. By its Commissioner,
Rippon Buildings,
Chennai-600 003.

2.The Revenue Officer,
The Corporation of Chennai,
Zone-III Madhavaram,
No.1, Thattakulam Road,
Madhavaram,
Chennai-600 060.

.. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus directing the respondents to consider the petitioner's application dated 23.08.2016 on merits and to issue licence for running the flour mill bearing name "Sri Bhavani Amman Flour Mill" No.5, Janakiram Nagar, Teachers Colony, Puthagaram, Chennai-600 099.

For Petitioner : Mr.M.Arunkumar

For Respondents : Mr.P.V.Selvakumar for R1 and R2

O R D E R

The writ petition has been filed seeking for issuance of writ of Mandamus directing the respondents to consider the petitioner's application dated 23.08.2016 on merits and to issue licence to run the flour mill bearing the name "Sri Bhavani Amman Flour Mill" No.5, Janakiram Nagar Teachers Colony, Puthagaram, Chennai-600 099.

2.Learned counsel for the petitioner would submit that after registering her flour mill under small scale industry before the Ministry of Micro, Small and Medium Enterprises, she has put up a flour mill to cater to the needs of people residing at the locality. But the second respondent, at the instance of some vested interest, has suddenly served notice on 10.08.2016 to the petitioner that she is running the flour mill without obtaining licence from the Corporation of Chennai and directed to apply for the required licence within five days. But, the petitioner, unable to do the needful within the stipulated time, since she was not keeping well and suffering from high blood pressure as the said notice was received by her son, submitted an application for issuance of licence before the second respondent, along with necessary fees. On receipt of the same, the petitioner was orally directed by the second respondent to close her flour mill until the application for license is processed and proper licence is issued. Since the petitioner is apprehending the closure and sealing the flour mill at the instance of the second respondent before considering her application, she was advised to approach before this Court.

3.Adding further, learned counsel for the petitioner would further submit that since the petitioner's application is already pending consideration from 23.08.2016 on the file of the second respondent, a direction may be given to the second respondent to consider and dispose of the same on merits within a stipulated time and the second respondent may be directed not to take any coercive action to close, seal and lock the petitioner's flour mill, in the mean while.

4.Learned counsel for respondents 1 and 2 would submit that it is the case where the petitioner only after setting up of flour mill, has moved an application for getting the licence to run the flour mill in the present place. Therefore, the second respondent on receipt of the application, informed the petitioner to close the flour mill until the application is processed. When the licence application submitted by the petitioner is pending consideration, the prayer made by the petitioner not to take coercive action against the flour mill by

the second respondent is untenable.

5.This Court finds merit in his submissions. When the petitioner has till date not obtained any licence from the respondent Corporation to run the flour mill, this Court is not inclined to entertain the writ petition. Accordingly, the writ petition is dismissed. Consequently, connected miscellaneous petition seeking impleadment is closed as unnecessary. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Commissioner,
The Corporation of Chennai,
Rippon Buildings,
Chennai-600 003.

2.The Revenue Officer,
The Corporation of Chennai,
Zone-III Madhavaram,
No.1, Thattakulam Road,
Madhavaram,
Chennai-600 060.

+1cc to Mr.P.V.Selvakumar, Advocate, S.R.No.2949

+1cc to Mr.Premkumar, Advocate, S.R.No.2925

W.P.No.30685 of 2016 &
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NM(CO)
RS(10/04/2017)

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