

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2017

CORAM

THE HON'BLE JUSTICE MR.M.M.SUNDRESH

W.P. No.43583 of 2016

Tmt. M.Bibiyana

.. Petitioner

-Vs-

1. The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai-3.

2. The Zonal Health Officer,
Zone 01, Corporation of Chennai,
Thiruvottriyur, Chennai-19.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorari to call for the records relating to order of the 2nd respondent made in nil dated proceedings, signed on 02.12.2016, served on the petitioner on 10.12.2016 and to quash the same.

For Petitioner ... Mr.J. Chandrakumar

For Respondent ... Mr.P.V.Selvakumar,
Standing Counsel for R1 & R2.

ORDER

The petitioner is stated to be running a Steel rack manufacturing unit. The currency of the licence ends on 31.3.2017. A complaint was made by the neighbours of the petitioner on noise pollution and in pursuance of which, impugned notice has been issued.

2. Learned counsel appearing for the petitioner submitted that without due enquiry on inspection sought to have been conducted, behind the back of the petitioner, the order impugned has been passed, therefore, inspection will have to be made after issuance of due notice to the petitioner. He would

further submit that he has made certain arrangements for the smooth running of the industry.

3. Considering the submissions made, this Court is inclined to set aside the impugned order passed by the 2nd respondent. Accordingly, the impugned order is set aside, the respondent No.2 is directed to issue a fresh notice to the petitioner indicating the nature of the complaint and the proposed date of inspection. Thereafter, such inspection will have to be taken place on the appointed date. After completion of inspection, the petitioner shall give his reply within a further period of four weeks. Thereafter, appropriate orders will have to be passed by the 2nd respondent within a further period of six weeks, during which time, it is open to the said authority to offer an opportunity of personal hearing to the petitioner as well as any other third party/complainant.

4. Till such time, the status quo as on date, in so far as the running of the industry shall be maintained. Based upon the decision to be taken, as stated above, the respondent No.2 shall pass consequential order granting renewal of licence.

5. With the above direction, this writ petition is disposed of. No costs. Consequently, the connected W.M.P.No. 37411 of 2016 is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

msr

To

1. The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai-3.

WEB COPY

2. The Zonal Health Officer,
Zone 01, Corporation of Chennai,
Thiruvottriyur, Chennai-19.

+1cc to Mr.L.Chandrakumar, Advocate Sr.15677
+1cc to Mr.P.V.Selvakumar, Advocate Sr.15667

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pvs[col]
srg 11/4/2017



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