

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 07..08..2018

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.15830 of 2018
and
W.M.P.Nos.18826 & 18827 of 2018

A.Planisamy

... Petitioner

-Versus-

1. The Commissioner,
Salem City Municipal Corporation,
Salem-636001.
2. The Health Officer,
Salem City Municipal Corporation,
Salem 636001.
- 3.K.Maadhu

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the 1st respondent to take all steps to remove the mutton stall put up by the 3rd respondent in the premises comprised in No.140, North Muniappan Kovil Street, No.1, Karungalpatti, Salem-636006 and also to direct the 1st respondent to take all steps to remove the fat, blood and filth dumped by the 3rd respondent on North Muniappan Koilv Street No.1, Karungalpatti, Salem, 636 006 and to take all action to prevent the deposition, collection or accumulation of such filth on the said street.

For Petitioner : Mr.Jerry V.V.Sundar

For Respondents : Mr.K.Bhuvaneswari,
Standing Counsel for
R1 and R2
Mr.G.Janaki for R3

ORDER

Seeking to issue a writ of mandamus directing the respondents 1 and 2 to remove the mutton stall being run by the 3rd respondent and for a further direction to the respondents 1

and 2 to take steps to remove the fat, blood and filth dumped by the 3rd respondent and to prevent further deposition, collection or accumulation of such filth on the street where the 3rd respondent runs his mutton stall, the petitioner is before this court with this writ petition.

2. According to the petitioner, the 3rd respondent has been running Mutton Shop without obtaining any trade license from the 1st respondent Municipal Corporation and the shop run by the 3rd respondent has been causing major disruption and also health hazards to the local residents besides polluting the atmosphere. Hence, this writ petition.

3. Today, when the matter came up for hearing, the learned standing counsel appearing for the respondents 1 and 2 submitted that the 3rd respondent has already filed an application to the 3rd respondent seeking trade license and paid necessary fees and the application of the 3rd respondent is pending consideration and no order has been passed by the respondents 1 and 2 till date.

4. The counsel for the 3rd respondent would submit that the application filed by the 3rd respondent for trade license is pending with the 1st respondent.

5. Considering the fact that the application filed by the 3rd respondent seeking trade license is till pending with the 1st respondent, it would be suffice to direct the 1st respondent to consider the application filed by the 3rd respondent for trade license and pass appropriate orders on the same on merits and in accordance with law after giving an opportunity of personal hearing to the 3rd respondent. The 1st respondent shall complete such exercise within a period of six weeks from the date of receipt of a copy of this order. In the mean time, the 3rd respondent is directed to keep the shop premises clear and not to cause any disturbance to the residents in the locality.

6. In the result, the writ petition is disposed of with the above directions. No costs. Consequently, connected WMP are closed.

s/d-
Assistant Registrar(CS-V)

True Copy

Sub-Assistant Registrar

kmk

To

1.The Commissioner,
Salem City Municipal Corporation,
Salem-636001.

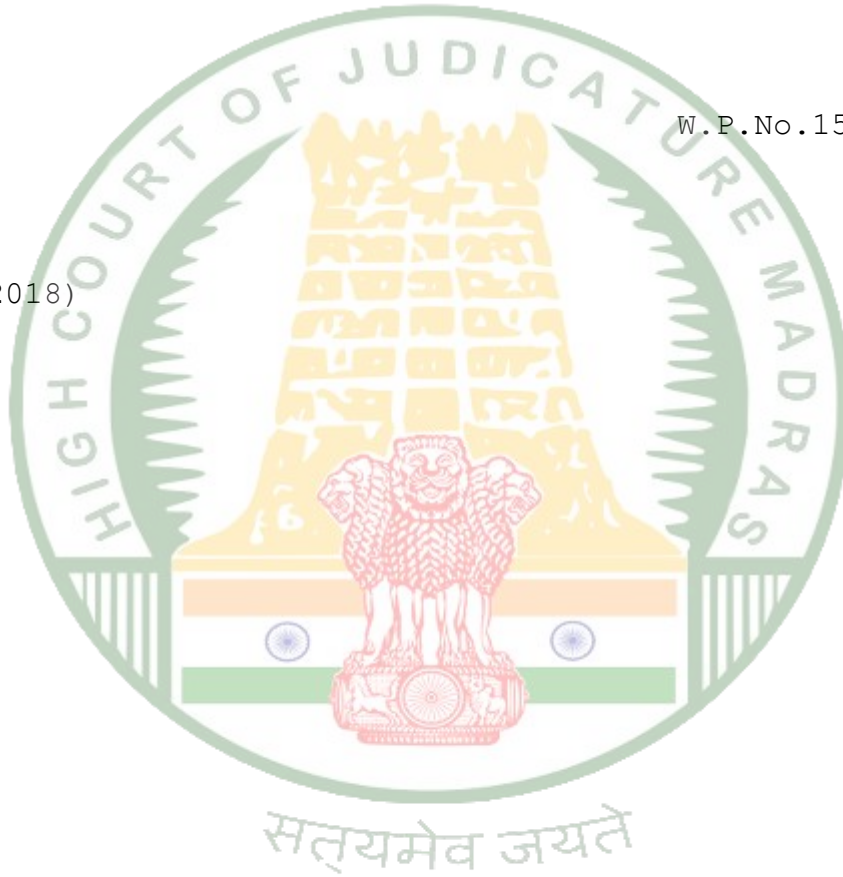
2.The Health Officer,
Salem City Municipal Corporation,
Salem 636001.

+1 CC to Mr.Jerry V.V.Sundar, Advocate sr 54439.

+1 CC to Mr.V. Pavel, Advocate sr 54407(10/09/2018)

W.P.No.15830 of 2018

GP(CO)
SP(31/08/2018)



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