

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2018

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.16326 of 2018
and
W.M.P.Nos.19472 & 19473 of 2018

1.V.Arunachalam

2.A.Ponnusamy

3.R.Bagavandoss

.... Petitioners

Vs.

1.The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai - 600 003.

2.The Director,
Tamil Nadu Fire and Rescue Service,
No.17, Rukmani Lakshmipathy Road,
Egmore, Chennai.

3.The Designated Officer,
Food Safety and Standards Authority of India,
No.33, West Jones Road,
Saidapet, Chennai - 600 015.

4.The Managing Director,
Chennai Metropolitan Water Supply and Sewerage Board,
Chindadaripet,
Chennai.

5.Ms.Udhaya

6.Kannadhasan Mess
New No.29/2, Old No.14/2,
Dhandapani Street, T.Nagar,
Chennai - 600 017.

... Respondents

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Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus, directing the respondents 1 to 4 to take appropriate immediate action on the representation given on 26.5.2018 against the illegal function of the restaurant / mess by the 6th respondent at Udhaya Apartments, at New No.29/2, Old No.14/2, Dhandapani Street, T.Nagar, Chennai - 600 017.

For Petitioners : Ms.V.S.Usha Rani

For Respondents : Mr.V.C.Selvasekaran
Standing counsel for R1
Mr.N.Inbanathan
Additional Government Pleader for R2
Mr.N.Ramesh
Standing counsel for R4
No appearance for R3, 5 and 6

O R D E R

Heard the learned counsel for the petitioners, learned Standing counsel for the first respondent, learned Additional Government Pleader for the second respondent and learned Standing counsel for the fourth respondent. Despite service of notice, the respondents 3, 5 and 6 have not chosen to appear either in person or through counsel.

2. The petitioners have come forward with this writ petition seeking for issuance of a writ of mandamus, directing the respondents 1 to 4 to take appropriate immediate action based on their representation dated 26.5.2018.

3.The case of the petitioners is that they are the owners of the Flats in Udhaya Apartment, situated at New No.29/2, Old No.14/2, Dhandapani Street, T.Nagar, Chennai - 600 017 and the fifth respondent is the promotor of the apartment.

4. The grievance of the petitioners is that in violation of the building Rules, the fifth respondent permitted the sixth respondent to carry on commercial activities in the ground floor of the building, without any licence. Aggrieved over the action of the fifth respondent, the petitioners preferred a complaint to the official respondents. Since no action was taken, the present writ petition.

5. The learned counsel for the petitioners submitted that it would suffice, if a direction is issued to the first respondent to consider the representation of the petitioners dated 26.5.2018.

6. The learned Standing Counsel for the first respondent submitted that the Zonal Officer, Zone-10, Corporation of Chennai, is the competent authority to consider the representation of the petitioners and if a fresh representation is given to him, he is ready to consider the same in accordance with law.

7. In the light of the above submissions and the limited scope of the prayer sought for in this writ petition, the petitioners are directed to give a fresh representation to the Zonal Officer, Zone-10, Corporation of Chennai, by enclosing a copy of this order within a period of two weeks from the date of receipt of a copy of this order. On such compliance, the said officer is directed to consider the same and take appropriate action on merits and in accordance with law, within a period of four weeks therefrom, after affording ample opportunity to all necessary parties.

8. With the above direction, this writ petition is disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner,
Greater Chennai Corporation,
Rippon Building, Chennai - 600 003.

2. The Director,
Tamil Nadu Fire and Rescue Service,
No.17, Rukmani Lakshmipathy Road,
Egmore, Chennai.

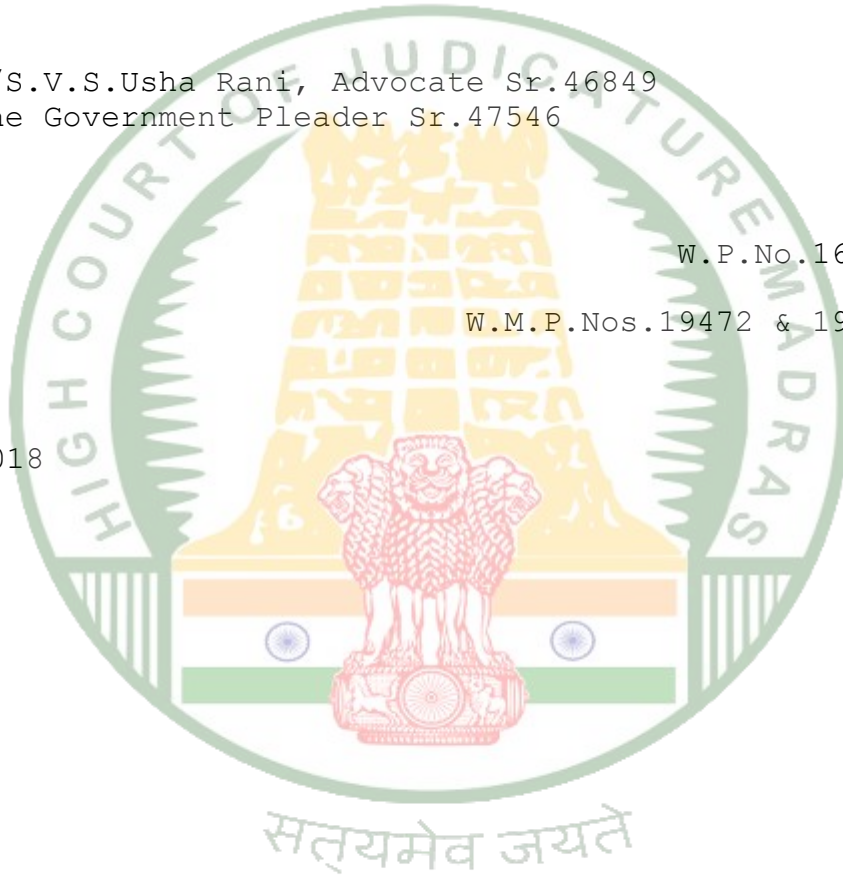
3.The Designated Officer,
Food Safety and Standards Authority of India,
No.33, West Jones Road,
Saidapet, Chennai - 600 015.

4.The Managing Director,
Chennai Metropolitan Water
Supply and Sewerage Board,
Chindadaripet,
Chennai.

+1cc to M/S.V.S.Usha Rani, Advocate Sr.46849
+1cc to the Government Pleader Sr.47546

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and
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srg 2/8/2018



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