

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.18162 of 2018

R.Balaji

...Petitioner

Versus

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

2.The Chairman,  
Tamilnadu Pollution Control Board,  
No.76, Mount Road, Guindy,  
Chennai - 600 032.

3.The Commissioner of Police,  
E.V.K.Sampath Salai,  
Chennai - 600 007.

4.R.Vijayarangan

.. Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the first respondent to consider and take action on the petitioner's representation dated 23.9.2017, forthwith.

For Petitioner : Mr.V.Sivalinkam

For Respondents : Mr.V.C.Selvasekaran  
Standing counsel for R1  
Ms.Rita Chandrasekar for R2  
Mr.V.Shanmuga Sundar  
Special Government Pleader  
for R3  
Ms.J.Sasile for R4

O R D E R

Heard Mr.V.Sivalinkam, learned counsel for the petitioner, Mr.V.C.Selvasekaran, learned Standing Counsel for the first respondent, Ms.Rita Chandrasekar, learned counsel for the second respondent, Mr.V.Shanmuga Sundar, learned Special Government Pleader for the third respondent and Ms.J.Sasile, learned counsel for the fourth respondent.

2.The petitioner has come forward with this writ petition for issuance of a writ of mandamus directing the first respondent to consider and take action on his representation dated 23.09.2017 forthwith.

3. According to the petitioner, his elder brother the fourth respondent herein, is running a hotel in the name and style of "Hotel Saivam", without obtaining licence from the concerned authorities. It is further stated that the fourth respondent is using firewoods, which causes pollution and health hazardous to the petitioner and his family members.

4. The learned counsel for the petitioner submitted that it would suffice, if a direction is issued to the competent authority to consider the representation of the petitioner.

5. The learned Standing Counsel for the respondents submitted that the Zonal Officer, Zone-9, Corporation of Chennai, is the competent authority to consider the representation of the petitioner and if a fresh representation is given to him, he is ready to consider the same in accordance with law.

6. The learned counsel for the fourth respondent submitted that the fourth respondent is running a petty shop and he has also obtained Form-3 licence and if any other licence is required, he is ready to approach the competent authority.

7. In the light of the above submissions and the limited scope of the prayer sought for in this writ petition, the petitioner is directed to give fresh representation to the Zonal Officer, Zone-9, 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, after providing an opportunity to all necessary parties, within a period of twelve weeks therefrom.

8. With the above direction, this writ petition is disposed of. However, there shall be no order as to costs.

Sd/-  
Assistant Registrar

// True Copy//

Sub Assistant Registrar

To

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

2.The Chairman,  
Tamilnadu Pollution Control Board,  
No.76, Mount Road, Guindy,  
Chennai - 600 032.

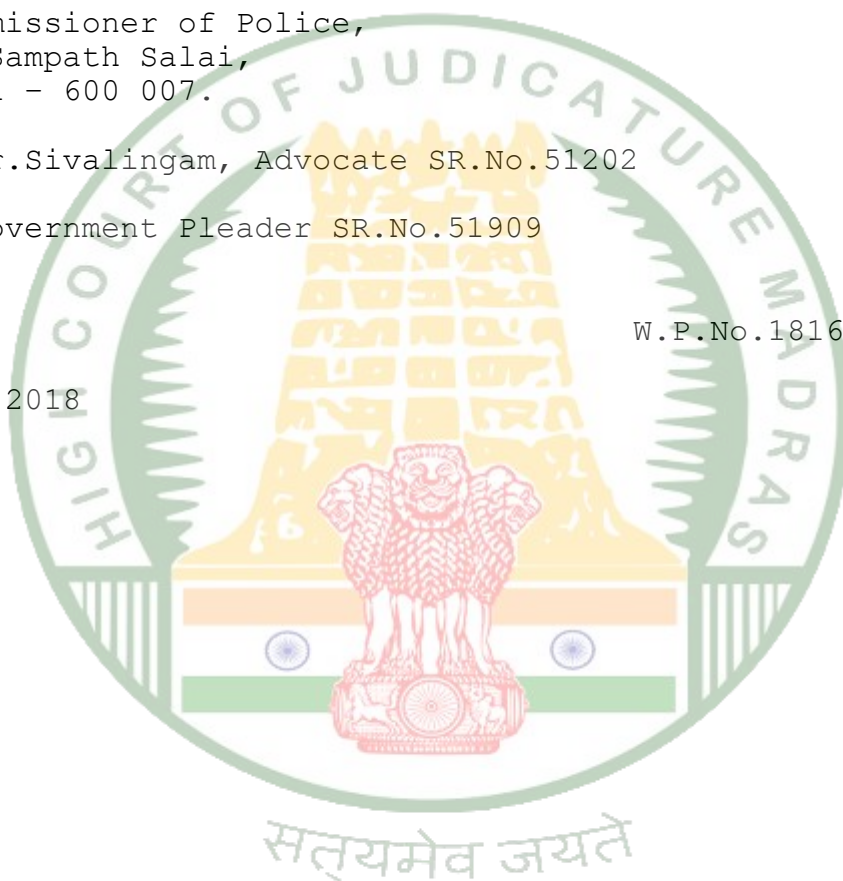
3.The Commissioner of Police,  
E.V.K.Sampath Salai,  
Chennai - 600 007.

+1cc to Mr.Sivalingam, Advocate SR.No.51202

+1cc to Government Pleader SR.No.51909

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KGK(CO)  
SMI/29.08.2018



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