

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2019

CORAM :

THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.A.No.234 of 2019
and C.M.P.No.2485 of 2019

Srivasavi Sweets and Bakery Preparation Centre,
Represented by its Sole Proprietor
B.Yuvarajkrishnan,
No.78, Sitco Near Thirumalai Thirupathy Nagar,
Kachirapalayam Road,
Kallakurichi, Villupuram District - 606 202. ... Appellant /
Petitioner

vs.

1. The State of Tamil Nadu,
Rep. by its Secretary,
Municipal Administration,
St.George Fort, Chennai.
2. The Commissioner,
Kallakurichy Municipality,
Villupuram District. ... Respondents/
Respondents

Writ Appeal filed under Clause 15 of Letters Patent Act against the order dated 28.12.2018 passed in W.P.No.34666 of 2018. Writ petition filed under Article 226 of the Consitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned order in Na.Ka.No.3569/2018/A4, dated 21.12.2018 from the file of the Second Respondent and quash the same.

For Appellant : Mr.R.Singaravelan
Senior Counsel
for Mr.V.S.Jagadeesan

For Respondents
R1 : Mr.R.P.PrathapSingth
Government Advocate
R2 : Mr.R.Udhayakumar
Additional Government Pleader

JUDGMENT

(Judgment of this Court made by T.S.Sivagnanam,J.)

This writ appeal filed by the writ petitioner is directed against the order in W.P.No.34666 of 2018 dated 28.12.2018. The writ petition was filed by the appellant challenging the correctness of the order passed by the second respondent in Na.Ka.No.3569/2018/A4 dated 21.12.2018. By the said proceedings/notice, the appellant's sweet manufacturing unit was closed down on the ground that they do not have the requisite license and they were carrying on the business without following the pollution control norms. Further, the food safety license granted to the appellant was subsequently cancelled.

2.Mr.R.Singaravelan, learned senior counsel assisted by Mr.V.S.Jagadeesan, learned counsel for the petitioner submitted that as of now, the appellant has complied with all the requirements and has submitted an application before the Commissioner of Kallakurichi Municipality and a copy of which has been filed in the typed set of papers.

3.On perusal of the above, we find that the appellant submitted an application before the second respondent much earlier and not after the writ petition was disposed of. Therefore, if according to the appellant they have complied with all the conditions required under various statutes, then it is always open to the appellant to file an application under the relevant statute for license/permission.

4.Accordingly, while holding that there was no error in sealing the appellant's sweet manufacturing unit for non-compliance of various statutory provisions, we dispose of this appeal by giving liberty to the appellant to file appropriate application/s under the relevant statute within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the competent authority of the Municipality shall consider the same and pass orders on merits and in accordance with law within a period of three weeks therefrom, after conducting an inspection of the appellant's sweet manufacturing unit. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

cse

To

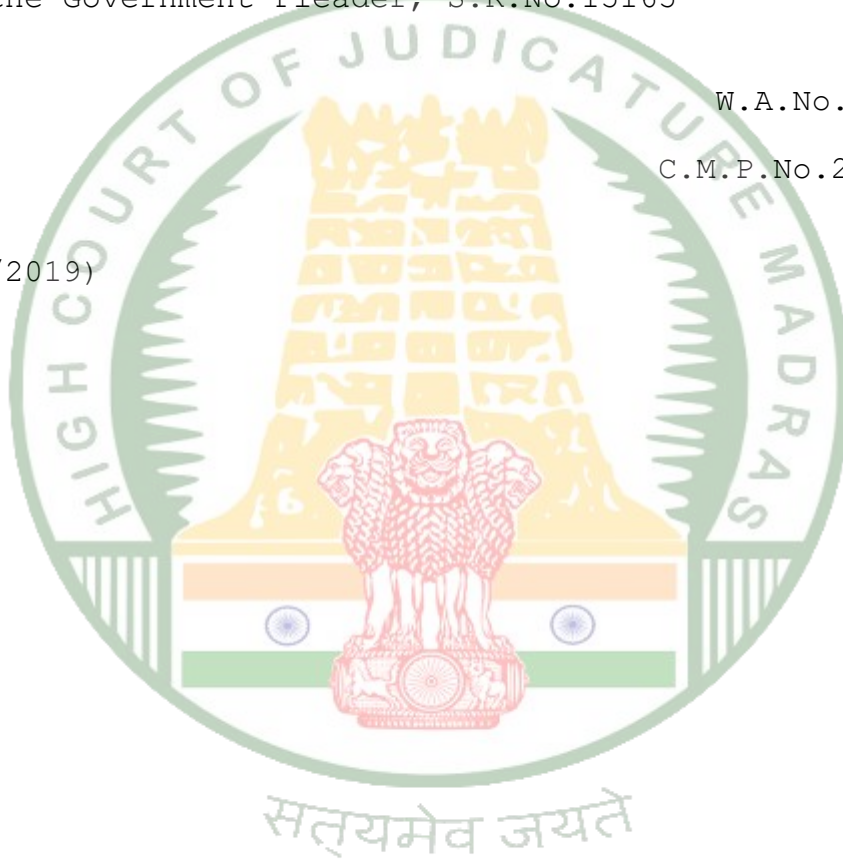
1. The Secretary,
Municipal Administration,
St.George Fort, Chennai.
2. The Commissioner,
Kallakurichy Municipality,
Villupuram District.

+1 cc to Mr.R.Ganesan, Advocate, S.R.No.14572

+1 cc to the Government Pleader, S.R.No.15165

W.A.No.234 of 2019
and
C.M.P.No.2485 of 2019

BS (CO)
SSM(13/03/2019)



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