

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:25.09.2019

Coram:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.28320 of 2019

and

W.M.P.No.27997 of 2019

I.Siraj Ahamed

.. Petitioner

/versus/

1.The Commissioner,
Greater Chennai Corporation,
Chennai.

2.The Revenue Officer,
Greater Chennai Corporation,
Chennai.

3.The Zonal Officer,
Zone-9, Revenue Department,
Greater Chennai Corporation,
No1, Lake View Area, 4th Cross Street,
Nungambakkam,
Chennai 600 034.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India seeking Writ of Certiorari to call for the records in the impugned show cause notice in Ma.A.9, Na.Ka.No.R3/04981/2019 dated 22.08.2019 issued by the 3rd respondent, served on the petitioner on 27.08.2019, quash the same.

For Petitioner :Mr.S.Udhayakumar

For Respondents:Mrs.Karthika Ashok,
standing counsel for R1 to R3

O R D E R

By consent, the writ petition is taken up for final disposal, at the admission stage itself.

2. Heard Mr.S.Udhayakumar, learned counsel appearing for the petitioner and Mrs.Karthika Ashok, learned standing counsel, who takes notice for respondents 1 to 3.

3. The prayer sought for in the writ petition is to issue a Writ of Certiorari to call for the records in the impugned show cause notice in Ma.A.9, Na.Ka.No.R3/04981/2019, dated 22.08.2019 issued by the 3rd respondent, served on the petitioner on 27.08.2019 and quash the same.

4. The writ petition is filed apprehending that the 3rd respondent Corporation, which has initiated the proceedings based on the complaint may pass orders adverse to the interest of the petitioner.

The case of the petitioner is that he is running a business of Cotton (Bed/Pillow manufacturing and sales) at door No.113/51, Bharathi Salai (Pycrofts Road), Triplicane, Chennai with all necessary permits and license from the appropriate authorities. While so, some neighbouring shop owners, who are not in good terms with him have lodged a false complaint. Based on the false complaint, show cause notice was issued to him by the 3rd respondent-Corporation vide proceedings dated 22.08.2018. For the said show cause notice, he has given a detailed reply on 28.08.2019 and also produced all necessary license issued by the authorities concerned, which include No Objection Certificate issued by the Fire Department. Apprehending that the second respondent may pass order adverse due to pressure given by the complainant, the present writ petition is filed.

On perusal of the affidavit and the records, this Court finds no infirmity in the process adopted by the 2nd respondent-Corporation. He has given opportunity to the petitioner and in response to the show cause notice, the petitioner has also responded by giving his explanation vide letter dated 28.08.2019. The 2nd respondent has not passed any order sofar. Hence, there is no cause of action for the petitioner to file the writ petition.

At this juncture, the petitioner has to wait for the 2nd respondent to pass orders and thereafter, he is at liberty to work out his remedy in accordance with law. The Court cannot interfere by exercising its writ jurisdiction, when the action against the petitioner has been initiated in accordance with law and the same is pending for consideration before the 2nd respondent.

Accordingly, this writ petition is disposed of as premature. No costs. Consequently, connected Miscellaneous Petition is closed.

s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

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To:

1.The Commissioner,
Greater Chennai Corporation,
Chennai.

2.The Revenue Officer,
Greater Chennai Corporation,
Chennai.

3.The Zonal Officer,
Zone-9, Revenue Department,
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No1, Lake View Area, 4th Cross Street,
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+1 CC to Mr.S.Udhayakumar, Advocate sr 82366.

+1 CC to Mrs.Karthika Ashok, Advocate sr 82136.

W.P.No.28320 of 2019

EV(CO)
SP(30/10/2019)

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