

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2019

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.25282 of 2018

and

W.M.P.Nos.29388 to 29390/2018 & 34349 of 2019

Basheer Ahamed

.. Petitioner

/versus/

The Executive Officer,
Kundrathur Town Panchayat,
Kundrathur,
Chennai-600 009.

.. Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of Writ of Certiorari, calling for the records relating to the notice issued by the respondent dated 01.08.2018 in Na.Ka.No.1087/2018 A1 and consequential order dated 28.08.2018 in Na.Ka.No.1087/2018 A1 and all further proceedings arising out of the said order and quash the same.

For Petitioner : Mr.J.Ravindran

For Respondent : Mr.A.N.Thambidurai
Spl.Government Pleader

O R D E R

The petitioner herein has set up a basic infrastructure unit of car wash in the name and style of Hi Tech Car Care.

2. Based on the complaint given by the neighbours, a show cause notice was issued to the petitioner on 01.08.2018 by the respondent to produce the documents such as permission to run the unit, Trade license, Provisional Tax, Building plan and Property Tax receipts. The petitioner has not submitted those documents and kept quite. Hence, the respondent has issued notice to close down the shop from 31.10.2018. The said order dated 28.08.2018 is challenged in this writ petition on the ground that the respondent is not the authority to close the shop and if the shop is closed, his livelihood is affected.

3. From the typed set of papers furnished by the petitioner, it is seen that despite the order which is impugned in this writ petition, the petitioner has not closed the unit. Hence, the respondent has made a request to the Inspector of Police of Kundrathur to provide police protection, only thereafter, the petitioner has filed the present writ petition.

4. The learned counsel for the respondent has stated that the petitioner has not obtained any Trade license from the local authority to carry on the business. When the petition was received from the residence on 27.07.2018, notice was duly sent to the petitioner to produce all the required documents and after inspection the unit run by the petitioner is hazardous and causing noise pollution.

5. This Court, at the time of admission has granted interim order on the impression that no notice was issued to the petitioner and closure order was passed without conducting enquiry. However, from the material placed and from the counter, this Court finds that the petitioner was afforded opportunity to produce the documents vide notice dated 01.08.2018. The petitioner has not availed that opportunity.

6. In the said circumstances, the writ petition to quash the order passed by the respondent is not sustainable. Hence, the writ petition is dismissed. Consequently, the connected miscellaneous petitions are closed. No costs.

7. It is open to the petitioner herein to produce the necessary documents before the respondent and satisfy the respondent herein his entitlement to run the shop in the said premises.

Sd/-
Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

rpl

To

The Executive Officer,
Kundrathur Town Panchayat,
Kundrathur,
Chennai-600 009.

+1cc to Mr.L.Chandrakumar, Advocate SR.No.83018

W.P.No.25282 of 2018
and
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SPD(CO)
GMV(04/11/2019)