

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2020

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MRS.JUSTICE R.HEMALATHA

W.P.No.9125 of 2020
&
W.M.P.No.11127 of 2020

M.D.Mohan

... Petitioner

Vs.

1. The District Collector,
Coimbatore District,
Coimbatore - 641 018.
2. The Tahsildhar,
Coimbatore South Taluk,
Huzur Road, Opp. Court,
Gopalapuram, Coimbatore - 641 018.
3. The Commissioner,
Coimbatore Corporation (South Zone),
Palakkad Main Road,
Edayarpalayam Pirivu, Kuniyamuthur,
Coimbatore - 641 008.
4. The Commissioner,
Coimbatore Corporation (East Zone),
Trichy Road, Agraharam,
Singanallur, Coimbatore - 641 005.
5. D.R.Ganesh Sah Silks and Sarees
Rep. by its Owner, D.R.Ganesh Sah,
No.12, 15-D, Masakalipalayam Road,
Balan Nagar, Peelamedu,
Coimbatore - 641 004.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents 1 - 4 to permanently seal the 5th respondent textile shop for a period of 3 months for running the shop without following the norms formulated by the Government and being the reason for the formation of a large cluster in the district.

For Petitioner .. Mr.M.Sedhumadhavan

For Respondents .. Mr.G.K.Muthukumar (R1 & R2)
Special Government Pleader
Mr.A.Jenasenan
for Mr.Abishek (R5)

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

This writ petition has been filed by the petitioner inter alia alleging that without following the instructions and notwithstanding the action taken, the fifth respondent is still going on with business activities.

2. The learned Special Government Pleader, on instructions, submitted that due inspection having made and thereafter, action was taken, and the premises in question is now under lock and seal.

3. The learned counsel appearing for the fifth respondent submitted that the Proprietor of the fifth respondent himself was affected with COVID-19, and thereafter, he recovered. His business was closed only on the ground of not following the social distancing and no sufficient safeguard measures were taken by providing face masks and sanitization.

4. The learned counsel for the petitioner submitted that a show cause notice was issued to the fifth respondent for indulging in construction activities, without obtaining prior permission from the respondents 3 and 4.

5. The learned counsel for the fifth respondent submitted that for the aforesaid notice, a detailed reply has been given. The fifth respondent is ready and willing to comply with the safety measures that are required. As of now, the fifth respondent premises is under lock and seal.

6. Considering the submissions made, we direct the respondents 2, 3 and 4 to conduct the inspection, satisfy themselves with the due compliance sought for and thereafter, take a decision. The respondents 3 and 4 shall also satisfy with the fifth respondent with respect to the allegations made in the show cause notice. Needful will have to be done by the respondents 3 and 4 as indicated above, within a period of two weeks from the date of receipt of a copy of this order.

7. With the above directions, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

raa/ds

To

1. The District Collector,
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Coimbatore - 641 018.
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4. The Commissioner,
Coimbatore Corporation (East Zone),
Trichy Road, Agraharam,
Singanallur, Coimbatore - 641 005.

+1cc to the Government Pleader, S.R.No.24974

W.P.No.9125 of 2020

MP (CO)
CS/30/07/2020

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