

In the High Court of Judicature at Madras

Dated : 13.2.2020

Coram :

The Honourable Mr. Justice T.S.SIVAGNANAM

Writ Petition No.28354 of 2016 &
WMP.Nos.24476 of 2016 & 20343 of 2018

M/s.Gokulam Industries, rep. By its
Managing Partner R.Hariharan

...Petitioner

Vs

1.The Commissioner, Corporation of
Chennai, Rippon Buildings, Park
Town, Chennai-3.

2.The Zonal Officer, Metropolitan
Chennai Corporation, Zone III,
Madhavaram, Chennai-60.

3.The Zonal Health Officer,
Metropolitan Chennai Corporation,
Zone III, Madhavaram, Chennai-60.

4.The Revenue Officer, Revenue
Department, Corporation of Chennai,
Chennai-3.

5.The Tamil Nadu Pollution Control
Board, No.77A, South Avenue Road,
Ambattur, Chennai.

6.V.Vijivelvizhi

(R6 impleaded as per order of court dated 13.2.2018
by MKKSJ in WMP.No.3586 of 2018)

...Respondents

PETITION under Article 226 of The Constitution of India
praying for the issuance of a Writ of Certiorarified Mandamus to
call for the records of the second respondent in
communication/notice dated 20.7.2016 vide reference
No.Ma.Aha.3.Va.Thu.Na.Ka.No.R-1/74/2016, quash the same and
consequently direct the respondents to renew the license for the
year 2016-2017 in accordance with law.

For Petitioner : Mr.L.Chandrakumar for
Mr.R.Krishnan
For Respondents
1 to 4 : Ms.P.T.Ramadevi
Standing Counsel
For Respondent-5 : No appearance
For Respondent 6 : Mr.T.Mohan for Mr.M.Murali

ORDER

I have heard Mr.L.Chandrakumar, learned counsel appearing on behalf of Mr.R.Krishnan, learned counsel on record for the petitioner, Ms.P.T. Ramadevi, learned Standing Counsel appearing for respondents 1 to 4, and Mr.T.Mohan, learned counsel appearing on behalf of Mr.M.Murali, learned counsel on record for the sixth respondent.

2. The petitioner is an industry engaged in the manufacture of various dhal and pulses. The petitioner was granted license by the respondent Corporation to carry out their activities. On expiry of the period of licence, the petitioner applied for renewal. The renewal application was rejected on the ground that the petitioner had not complied with the various defects, which were pointed out by the Health Department of the respondent - Corporation.

3. It is the submission of the learned counsel for the petitioner that the petitioner approached various authorities, that an inspection of the premises was also conducted, that the reports are awaited and that the defects were rectified. Therefore, the learned counsel for the petitioner seeks a direction to the respondent - Corporation to consider the renewal application.

4. The learned counsel for the sixth respondent - objector submits that the entire building, which has been put up by the petitioner, consisting of ground plus three floors plus fourth floor part is wholly unauthorized, that no building plan approval was obtained for the said construction and that such an industrial activity cannot be carried on in a prime residential area wherein the property is situated. According to the sixth respondent, the requisite sanction has not been obtained from the Tamil Nadu Pollution Control Board apart from other statutory compliances.

5. The learned Standing Counsel for respondents 1 to 4, by referring to the counter filed by the second respondent, submits

that the notice under Sections 287 and 288 of the Chennai City Municipal Corporation Act, 1919 was issued to the petitioner on 25.1.2016 directing the petitioner to comply with the requirements specified in the said notice. However, the petitioner did not comply with those requirements and especially the petitioner did not obtain no objection certificate from the Tamil Nadu Pollution Control Board and additional licence for usage of horse power. It is further submitted that without complying with the requirements specified in the notice issued by the Health Department of the respondent - Corporation, the petitioner applied for renewal of licence.

6. The stand taken before this Court at this juncture is that the petitioner complied with all the requirements and that the defects were cured.

7. It is not known as to how the petitioner could secure a licence without building plan approval. Since the period of licence had already expired, it will be well open to the petitioner to apply afresh for renewal of licence subject to compliance of all conditions, which may be stipulated by the respondent - Corporation. If an application is filed by the petitioner in full form with requisite plan approval and consent orders, etc., an inspection of the premises shall be directed to be conducted by an officer nominated by the Commissioner, Greater Chennai Corporation and the officer so nominated shall verify all the parameters including the aspect as to whether the building, in which, the industry is located, has been constructed after proper approval from the Chennai Metropolitan Development Authority/Corporation of Chennai. After considering all these aspects, the renewal application shall be considered and orders be passed on merits and in accordance with law.

8. The writ petition is dismissed with the above observations. No costs. Consequently, WMP.No.20343 of 2018 is also dismissed.

9. It is seen that at the time of entertaining the writ petition i.e on 12.8.2016, an order of status quo has been granted by a learned Single Judge of this Court. Now that the main writ petition itself is dismissed, the interim order granted on 12.8.2016 shall stand vacated and WMP.No.24476 of 2016 is also dismissed.

s/d-

Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

To

1.The Commissioner, Corporation of Chennai, Rippon Buildings,
Park Town,
Chennai-3.

2.The Zonal Officer, Metropolitan Chennai Corporation, Zone III,
Madhavaram, Chennai-60.

3.The Zonal Health Officer, Metropolitan Chennai Corporation,
Zone III,
Madhavaram, Chennai-60.

4.The Revenue Officer, Revenue Department, Corporation of
Chennai,
Chennai-3.

5.The Tamil Nadu Pollution Control Board, No.77A, South Avenue
Road,
Ambattur, Chennai.

+1 Cc to Mr.M.Murali, Advocate sr 11876.

+1 CC to Mr.R.Krishnan, Advocate sr 12017

+1 CC to M/s.P.T. Ramadevi, Advocate sr 11848.

WP.No.28354 of 2016 &
WMP.Nos.24476 of 2016
& 20343 of 2018

SP(26/02/2020)

सत्यमेव जयते

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