

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.10.2020

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.14136 of 2020
and
WMP No.17573 of 2020

S.Bhoopathy

...Petitioner

Vs.

1 The Commissioner
Greater Chennai Corporation
Rippon Building
Park Town, Chennai -3.

2 The Zonal Officer
Zone VII
Corporation of Chennai
Ambattur, Chennai -53.

3 The License Inspector
Zone VII
Corporation of Chennai
Ambattur, Chennai -53.

4 N.Sekar

...Respondents

This Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus Directing the 3rd Respondent to accept the license fee and thereon grant license for running the small flour mill in the name and style of Sri Vinayaga Flour Mill at No.9/76, Sivalinga Puram Agraharam, North Railway Station Road, Korattur, Chennai - 76 and consequently, remove the seal placed by the Respondents in the premises.

For Petitioner : Mr.A.Palaniappan

For Respondents 1 to 3: Mrs.Karthika Ashok
Standing Counsel

ORDER

The present Writ Petition has been filed for the issue of a Writ of Mandamus directing the third respondent to accept the licence fee paid by the petitioner and grant licence to the petitioner for running the flour mill in the subject property.

2. It is seen from records that the fourth respondent approached this Court and filed W.P.No.9250 of 2018 with a prayer to remove the flour mill run by the petitioner. This Court disposed of the said Writ Petition by order dated 22.08.2019. The relevant portions in the order are extracted hereunder:-

"4. However, upon perusal of the documents produced before this Court, we find that Greater Chennai Corporation, Revenue Department has issued notices dated 26.05.2018 and 03.07.2018 to Vinayaka Flour Mill, situated at Door No.9/76, Sivalingapuram Agraharam, North Railway Station Road, Korattur, Chennai 600 076, calling upon the said mill to comply with the requirements for license within a specified time.

5. Perusal of the notices indicate that said flour mill has been running without a license and therefore, notice under Section 279 of the Chennai City Municipal Corporation Act IV of 1919 has been issued. Thus, the contention of Mr.T.K.Viswanath, learned counsel for the 4th respondent that license has been obtained, is not correct.

6. Observing the same, we directed Mr.V.C.Selvasekaran, learned standing counsel for respondents 1 and 2 to ascertain from Greater Chennai Corporation, Chennai, about the further action taken on the notices.

7. On this day, when the matter came up for further hearing, Mr.V.C.Selvasekaran, learned standing counsel for respondents 1 and 2 submitted that since respondent no.4, was running the flour mill without license, action has been taken under Section 379A of Chennai City Municipal Corporation Act IV of 1919, and that the premises have been sealed. Supporting the same, learned counsel for respondents 1 and 2 have submitted photographs to that effect.

8. However, Mr.T.K.Viswanathan, learned counsel for the 4th respondent made a preliminary objection to the writ petition as to the locus of Mr.N.Sekar, in filing a public interest litigation, when Sivalingapuram Residence Welfare Association has not passed any resolution authorising him, petitioner to file a public interest writ petition. Reliance was also made to a decision of this Court made

in WP No.4464 of 2019 dated 15.02.2019 [Satta Panchayat Iyakkam Vs. State of Tamil Nadu & others].

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11.

12. Inasmuch as the premises has been sealed, there is no need to issue a mandamus, as prayed for, to consider the representation of the petitioner dated 19.09.2016. Respondent No.4, is stated to have submitted an application for grant of license. It is open to respondent No.4, to take recourse under law."

3. Pursuant to the above orders passed by this Court, the petitioner has made a representation on 31.08.2019 to the respondents requesting for grant of licence to run the flour mill. Since the same was not considered, the present Writ Petition has been filed before this Court.

4. Heard Mr.A.Palaniappan, learned counsel for the petitioner and Mrs.Karthika Ashok, learned standing counsel appearing on behalf of the respondents 1 to 3.

5. Taking into consideration the facts and circumstances of the case and also the limited relief sought for in this Writ Petition, there shall be a direction to the second and third respondents to consider the representation made by the petitioner on 31.08.2019 and take a decision strictly in accordance with law within a period of four weeks from the date of receipt of a copy of this order. The petitioner is directed to make a fresh representation to the second and third respondents along with all the relevant documents and a copy of this order.

6. This Writ Petition is disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

mra

To

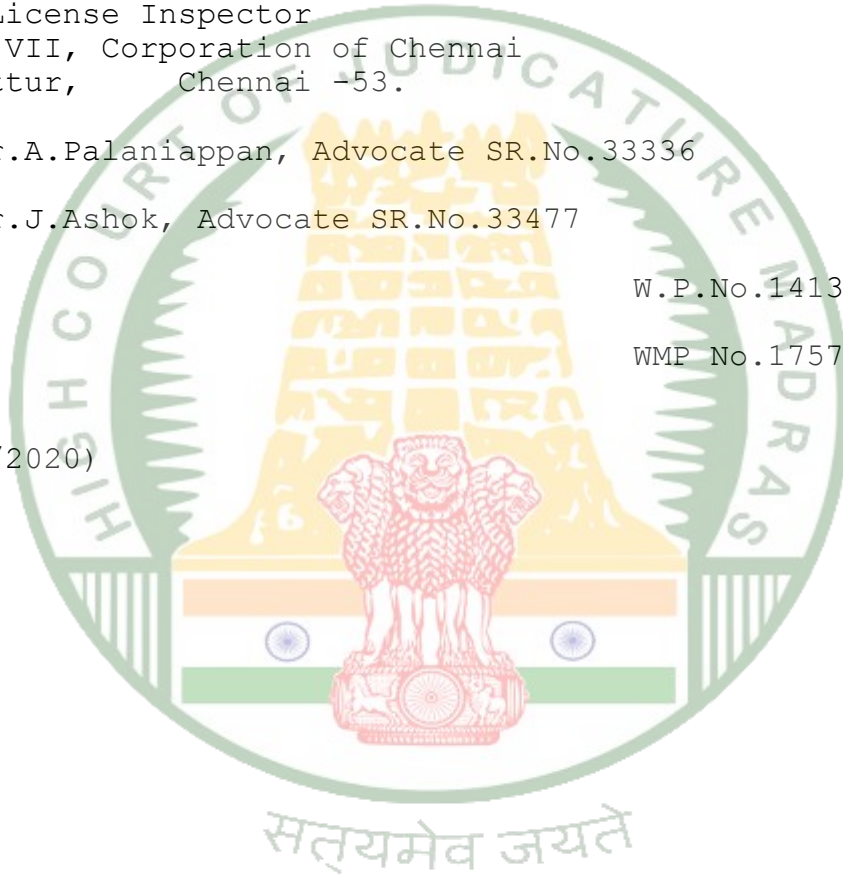
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+1cc to Mr.A.Palaniappan, Advocate SR.No.33336

+1cc to Mr.J.Ashok, Advocate SR.No.33477

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AJS (CO)
GMY (09/11/2020)



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