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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2021

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.Nos.14106,14109 and 14110 of 2021
and
W.M.P.Nos.14988, 14986, 14985 of 2021

P.V.Nabeesu ..Petitioner in all Writ petitions

Vs.

1. The Commissioner,
The Greater Chennai Corporation,
Rippon Buildings,
Chennai 600 003.
2. The Assistant Commissioner
Zone -7, Greater Chennai Corporation,
Ambattur, Chennai - 600 053.
3. The Zonal Health Officer,
Zone - 7, Greater Chennai Corporation,
Ambattur, Chennai 600 053.

..Respondents in all Writ petitions

Common Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the notice issued by the 3rd Respondent bearing No. 2724 (in WP Mo.14109 of 2021), bearing No. 2723 (in WP Mo.14106 of 2021) dated 25 June 2021, under the Tamil nadu Public Health Act (in WP Mo.14110 of 2021) to the petitioners and quash the same and consequently direct the 1st respondent to take action against the 2nd and 3rd Respondents for misusing the powers.

For Petitioner : Mr.K.Sakthivel
in both WPs

For Respondents: Mrs.P.T.Ramadevi
in both WPs Standing counsel

C O M M O N O R D E R

These writ petitions have been filed challenging the impugned notice issued by the 3rd respondent dated 25.06.2021.



2. When the matter was taken up for admission on 08.07.2021, this Court passed the following order :-

The contention of the writ petitioner is that the respondent corporation has served notice to the petitioner on 03.10.2020 under Section 279 of the Chennai City Municipal corporation Act 1919 and required to comply with the license conditions with two weeks. Based on the said communication the petitioner has submitted a detailed explanation along with all the relevant documents to the respondent corporation on 24.10.2020, thereafter no communication was received from the respondent. Suddenly, the respondent corporation has issued another notice dated 25.06.2021 u/s. 287 of the Chennai City Municipal Corporation Act 1919. According to the petitioner, the 2nd notice is totally non application of mind, without considering the representation dated 24.09.2020 submitted by petitioner.

2. On a perusal the said notice dated 25.06.2021, it appears that the same has been issued by the 3rd respondent for the same defects.

3. Hence, the 3rd respondent is directed to inspect the aforesaid petitioner's premises and find out whether the petitioner has complied with the requirements as specified in the license conditions or not and file a status report before this Court on the next hearing date.

4. Post the matter on 22.07.2021 for filing status report by the 3rd respondent. There shall be an order or interim stay till then.

3. Thereafter, it was reported that the petitioner had carried out certain corrections and hence, this Court directed the respondents to inspect and file a report before this Court. Accordingly, a status report was filed before this Court on 31.08.2021. On going through the status report and the reply given by the petitioner for the same, this Court issued certain directions to the 3rd respondent and further directed the petitioner to rectify the defects and report before this Court.

4. Thereafter, the matter was taken up for hearing on 24.09.2021, this Court passed the following order :-

Pursuant to the earlier orders passed by this court, it was brought to the notice of this court that the 3rd respondent issued a notice to the petitioner on 15.09.2021, pointing out totally four deficiencies/defects and directed the petitioner to rectify/comply with the same. The learned counsel for



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the petitioner submitted that the same has been complied with and a report was filed by the petitioner before the 3rd respondent in this regard.

2. The learned Standing Counsel appearing on behalf of the 3rd respondent shall get written instructions from the 3rd respondent on the stand taken by the petitioner and report before this court.

3. Post this case under the same caption on 01.10.2021.

5. The matter was once again taken up for hearing on 01.10.2021 and the learned Standing counsel appearing on behalf of the Corporation of Chennai submitted an inspection report. The inspection report pointed out four defects concerning the Diesel Drum Diesels Tank, exhaust fan, Motor and Generator. This Court directed the learned counsel for the petitioner to take instructions from his client and file a compliance report.

6. When the matter was taken up for hearing today, the compliance report has been filed by the petitioner. The petitioner has given an explanation for each of the defects that were pointed out by the respondents through compliance report dated 30.09.2021.

7. In view of the above development, this Court cannot keep this writ petition endlessly. The final defects have been pointed out through the inspection report dated 30.09.2021 and the compliance report has been filed by the petitioner for the same.

8. It will now be left open to the respondents to ensure that the petitioner complies with the defects pointed out and if they find any deviation/non-compliance, it will be left open to the respondents to issue appropriate notice to the petitioner and proceed further in accordance with law. Till then, the present status quo shall be maintained.

9. These writ petitions are disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

Rka



To

1. The Commissioner,
The Greater Chennai Corporation,
Rippon Buildings,
Chennai 600 003.

2. The Assistant Commissioner
Zone -7, Greater Chennai Corporation,
Ambattur, Chennai - 600 053.

3. The Zonal Health Officer,
Zone - 7, Greater Chennai Corporation,
Ambattur, Chennai 600 053.

+1cc to Mr.K.Sakthivel, Advocate, S.R.No. 52721

+3cc to Mr.P.T.Ramadevei, Advocate, S.R.No. 52409, 52410 & 52411

W.P.Nos.14106,14109 and 14110 of 2021
and W.M.P.Nos.14988, 14986, 14985 of 2021

RLD(CO)
GN(02/11/2021)