



WEB COPY



W.P.No.4493 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.4493 of 2023

and

W.M.P.No.4508 of 2023

P.Sundar Raman

... Petitioner

Vs.

1.The Commissioner,
Greater Chennai Corporation,
Rippon Building, Chennai – 600 003.

2.The Zonal Officer,
Zone-7, Ambattur,
Greater Chennai Corporation,
Chennai – 600 003.

3.The Assistant Revenue Officer,
Zone-7, Revenue Department,
Greater Chennai Corporation,
536, CTH Road, Ambattur,
Chennai – 600 053.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents 1 to 3 from in any manner resorting to or processing with the notice of the 2nd respondent dated 08.02.2023 under Section -379(A) (1) of the CCMC Act, IV of 1919, without considering the application dated 08.08.2022 seeking grant of license for the petitioner's lathe industry at No.18, Rathinam Street, Dr.Moorthy Nagar Extension, Padi, Chennai – 600 050.



W.P.No.4493 of 2023

WEB COPY

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mrs.P.T.Rama Devi

ORDER

This Writ Petition is filed to forbear the respondents from in any manner resorting to or processing with the notice of the 2nd respondent dated 08.02.2023 under Section -379(A) (1) of the CCMC Act, IV of 1919, without considering the application dated 08.08.2022 seeking grant of license for the petitioner's lathe industry at No.18, Rathinam Street, Dr.Moorthy Nagar Extension, Padi, Chennai – 600 050.

2. The case of the Writ Petitioner is that he is running lathe business from the year 2017 and only recently the respondents insisted for getting license. Accordingly, he has applied for license on 08.08.2023. Pending the application, the impugned notice has been served by the second respondent to the petitioner by notifying that to stop the trade within 24 hours of the receipt of the notice.

3. Learned counsel appearing for the respondents would submit that since no objection certificate from the Pollution Board is not annexed with the application, the application is not processed.



W.P.No.4493 of 2023

4.

Whereas, the learned counsel appearing for the petitioner would submit that the Pollution Board has informed the petitioner that since the business comes under the white category, no such certificate is required, which has been intimated by the respondents. However, no orders have been passed on his application. As the application is pending, it is for the authorities to consider and pass orders, whether to grant license or not. Till such decision is taken, ought not to have issued the impugned notice.

5. In such view of the matter, the impugned notice dated 08.02.2023 is set aside. The authorities shall decide whether to give a license or not on the petitioner's application dated 08.08.2022 and thereafter, take action as per law.

6. With the above direction, this Writ Petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

15.02.2023

Index :Yes/No

Neutral Citation:Yes/No

AT



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N.SATHISH KUMAR, J.

AT

To

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