



WEB COPY



Writ Petition No.4716 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 16/2/2023

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Writ Petition No.4716 of 2023

a n d

W.M.P.No.4728 of 2023

G. Muthukumar

...

Petitioner

Vs

1. The Commissioner
Greater Chennai Corporation
Rippon Building
Chennai.
2. The Zonal Health Officer
Greater Chennai Corporation
Health Department, Zone – VII
Ambattur
Chennai 600 053.
3. The Assistant Revenue Officer
Greater Chennai Corporation
Revenue Department, Zone – VII
Ambattur
Chennai 600 053.
4. The Zonal Officer
Greater Chennai Corporation
Zone – VII, Ambattur
Chennai 600 053.

5. K. Pandurangan

...

Respondents



Writ Petition No.4716 of 2023

PRAYER : Petition filed 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 fourth respondent relating to the impugned notice, dated 8/2/2023 and quash the same and direct the fourth respondent to grant licence to the petitioner's company on the basis of the representation dated 16/8/222 and 27/12/2022 and on the basis of the payment for licence made on 5/5/2022.

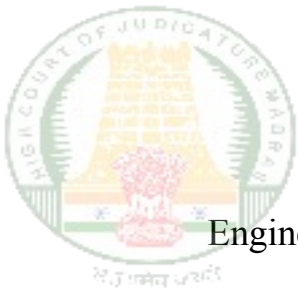
For Petitioner ... Mr.S.Kishore Kumar

For respondents ... Mrs.P.T.Ramadevi

ORDER

This writ petition has been filed to quash the impugned notice, dated 8/2/2023 issued by the fourth respondent and direct the fourth respondent to grant licence to the petitioner's company on the basis of the representation dated 16/8/222 and 27/12/2022 and on the basis of the payment for licence made on 5/5/2022.

2. The case of the writ petitioner is that he is running a small scale industry doing lathe machine work in the name and style of M/s.Sakthi



Engineering works for the past fifteen years and only recently, the second respondent has insisted for getting license. Accordingly, he has applied for license on 5/5/2022. Pending the application, impugned notice has been issued by the fourth respondent to stop the trade within 24 hours of the receipt of the notice.

3. Learned Standing counsel appearing for the respondents submitted that since the petitioner has not annexed No Objection Certificate from the Pollution Control Board, petitioner's application cannot be processed.

4. Whereas, the learned counsel appearing for the petitioner submitted that Pollution Board has informed the petitioner that since the business comes under the white category, no such certificate is required, which has been intimated to 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, fourth respondent, ought not to have issued the impugned notice.



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5. In the result, this writ petition is allowed and the impugned notice, dated 8/2/2023 issued by the fourth respondent is set aside. The authorities shall decide whether to grant license or not on the petitioner's application dated 5/5/2022, and thereafter, take action as per law.

No costs. Consequently, the connected Miscellaneous Petition is closed.

16/2/2023

Index : Yes / No

Internet: Yes

Speaking/non speaking order

mvs.



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N. SATHISH KUMAR, J

mvs.

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