



W.P.No.7407 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WP.No.7407 of 2022 &

WMP.No.7412 of 2022

R.Nancy

Proprietrix of Willams Candle Industries,
carrying on business at No.84, 4th Cross Street,
Periya Salai, Ponnammanmedu, Chennai – 600 110. ... Petitioner

Vs

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

2. The Zonal Officer, Zone – III,
Greater Chennai Corporation,
Thattamkulam Salai, Madhavaram,
Chennai – 600 060.

3. Manjula Hari ... Respondents

Prayer:- Writ Petition is filed, under the Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records of the second respondent in his proceedings Ma.Aa.3.Va.Thu.Na.Ka. No.R1/6089/2021, dated 03.01.2022 and quash the same and consequently,



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direct the first and second respondents to forthwith issue license to the petitioner so as to run candle manufacturing business.

For Petitioner : Mr.K.Raja

For Respondents : Mrs.P.T.Ramadevi
Standing Counsel for R1 & R2

Mr.S.Ramesh Kumar – R3

ORDER

This Writ Petition has been filed to quash the impugned proceedings of the second respondent dated 03.01.2022 and consequently, direct the first and second respondents to forthwith issue license to the petitioner so as to run candle manufacturing business.

2. The petitioner has applied for licence for manufacturing candle in the premises. The same has been rejected on the ground that she has not obtained no objection from the neighbours, particularly the third respondent. Challenging the same, this Writ Petition has been filed.



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3. The main contention of the learned counsel appearing for the petitioner is that as there is a dispute between the petitioner and the third respondent, the petitioner cannot be expected to get 'No Objection Certificate' from the third respondent. Therefore, the rejection Order is without application of mind and contrary to law.

4. In the counter, it is the case of the respondents that they have inspected the property and they had given instructions to the petitioner to set right certain defects. The permission has been rejected mainly on the ground of the objection raised by the neighbours on the ground that the candle manufacturing will cause health hazards. Therefore, the permission has been rejected as per law.

5. It is relevant to note that in respect of grant of licence for manufacturing of candles and other aspects as mentioned in the Schedule VI will be dealt by the Corporation under section 287 of Chennai City Municipal Corporation Act. Sub Clause 3 of the above Section requires application from the owner or manufacturer, on receipt of the application, the authorities as per Sub Clause 5 of the above section shall make



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inspection and find out there is any possibility of danger to life or health or property or the likelihood of any nuisance being created either by reason of the manner in which or by the conditions under which the place is proposed to be used or by the nature of such use. Therefore, when dealing with the licence, particularly, for the items mentioned in the Schedule VI, inspection of the authorities is mandatory and the authorities has to satisfy if there is any health hazards for rejection of the application. Without making such exercise, merely on the basis of the objection raised by some third party, with whom, the petitioner is said to be having some dispute, the application cannot be rejected mainly on that ground alone. It is for the licensing authority to make complete inspection and investigation and find out the possibility of any danger to lives due to manufacturing of candles.

6. In such view of the matter, without conducting any such investigation or enquiry or inspection, the authorities cannot reject the application mainly on the objection raised by some of the neighbour, who already have some dispute with the petitioner. Therefore, the Order impugned is liable to be set aside.



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7. Accordingly, this Writ Petition is allowed and the impugned Order is set aside and the authorities shall consider the application of the petitioner and make inspection and pass fresh Order within a period of two months from the date of receipt of a copy of this Order. Consequently, connected miscellaneous petition is closed. No costs.

23.01.2023

Index:Yes/No

Neutral Citation : Yes/No

vrc

To,

1. The Commissioner,
Greater Chennai Corporation,
Rippon Building, Chennai – 600 003.
2. The Zonal Officer, Zone – III,
Greater Chennai Corporation,
Thattamkulam Salai, Madhavaram,
Chennai – 600 060.



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N.SATHISH KUMAR, J.

VTC

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