



W.P. No.25919 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 07.03.2023

CORAM:

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. No.25919 of 2018

and

W.M.P. No.30123 of 2018

B. Muthukrishnan

...Petitioner

VS.

1. State of Tamilnadu,
Rep. by its Secretary,
Social Welfare and
Nutritious Meal Programme (SW5) Department,
Secretariat,
Chennai – 600 009.

2. The Collector of Chennai,
Chennai Collectors Office,
62, Rajaji Salai,
Chennai – 600 001.

3. District Social Welfare Officer,
District Social Welfare Office,
8th Floor,
Sigaravelar Building,
62, Rajaji Salai,
Chennai – 600 001.

4. Tamilnadu Fire & Rescue Services Department,
Rep. by its District Officer,
South Chennai District,
Teynampet,
Chennai – 600 006.



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5. The Zonal Health Officer,
The Revenue Officer,
Zone 13, Greater Chennai Corporation,
31, Thiruvengadam Street,
Kasturba Nagar,
Adyar,
Chennai – 600 020.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus after calling for the records from the 3rd respondent dt. 27.07.2018 bearing reference No.Na.Ka.No.891/Ar/2018 read with the proceedings of the 4th respondent dt. 18.09.2018 bearing reference Na.Ka.No.9567/E1/2018 and quash the same as illegal, arbitrary, without jurisdiction and to consequently direct the 4th respondent to restore the fire License granted to the petitioner on 06.08.2018 5th respondent to consider grant of trade license, sanitary license, Hostel license etc., without being carried away by the observations made by the 3rd respondent in its proceedings dt. 27.07.2018 in order to enable the petitioner to obtain license in terms of G.O. Ms. No.10, dt. 21.02.2015 as per the communication of the 3rd respondent vide letter dt. 30.08.2018 till then not the interfere with the functioning of the petitioner paying guest accommodation.

For petitioner : Mr.K.Srinivasamurthy
For respondents : Mr.M.Alagu Goutham
Government Advocate for R1 to R4
Mr.R. Gopinath,
Standing Counsel for R5



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ORDER

This writ petition has been filed challenging the Proceedings dated 27.07.2018 in Na.Ka.No.891/Ar/2018 issued by the 3rd respondent and consequential Proceedings of the 4th respondent dated 18.09.2018 in Na.Ka.No.9567/E1/2018 as well as consequential direction to the 4th respondent for restoration of fire licence granted to the petitioner.

2. It is the case of the petitioner that he started a paying hostel for accommodating guests. To fulfil the legal formalities, he made certain applications before the authorities concerned, that too after inspection, fire licence was issued to the petitioner. While stepping further for obtaining trade licence, the authorities cancelled the fire licence granted earlier to the petitioner. Since, the said fire licence is a requisite one, he prayed accordingly and thereafter on 22.10.2018, this Court issued an order of status quo. On 23.11.2021, this Court issued interim directions to the 4th respondent to inspect the building of the petitioner and verify safety measures taken by him on or before 17.12.2021 and thereafter consider the request of restoration of fire licence. As, the aforesaid licences have not been issued, he prays for issuance of appropriate direction from this Court.



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3. Mr.K.Srinivasa Murthy, learned Counsel appearing for the petitioner submitted that without appreciating the fact and by misconception, the fire licence granted earlier has been cancelled. He further submitted that the petitioner has taken all steps to fulfil the legal requirements for obtaining the requisite licence, however, the same has not been considered by the authorities, which resulted in issuance of the impugned proceedings by the 3rd and 4th respondents, which is improper and illegal and now prays for issuance of appropriate direction.

4. Per contra, the learned Government Advocate appearing for the respondents 1 to 4 reiterating the counter affidavit submitted that after complying the fire safety equipments engaged by the petitioner, the respondents are in a position to issue the requisite licence. He further submitted though an inspection has been conducted in the premises of the petitioner, it came to light that the petitioner has suppressed certain materials and thereafter the explanation submitted by the petitioner is found to be unsatisfactory, the respondents have cancelled the fire licence, which is mandatory for obtaining trade licence.

5. He further submitted on instructions that as per the directions of this Court, field inspection was conducted by the jurisdictional Revenue Divisional Officer and on receipt of the inspection report, necessary steps



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will be taken by the respondents. He has no objection for issuance of an appropriate direction to the 2nd respondent to conclude the enquiry, within a time frame to be fixed by this Court.

6. This Court gave its anxious consideration to the submissions advanced by the learned counsel appearing on either side and perused the materials available on record.

7. It is not in dispute that initially fire licence was granted to the premises of the petitioner. While inspecting, it was found that certain safety equipments have not been provided in the said premises. Thus, the fire licence granted to the petitioner's premises has been cancelled. It is submitted that further to the directions issued by this Court, a field inspection has been conducted and an enquiry report is kept pending. To give quietus to the matter, this Court is of the view to issue directions to the authorities concerned to conclude the enquiry, within a time frame to be fixed by this Court.

8. In view of the facts as narrated above, this Court, without going into the merits of the matter issues direction to the 2nd respondent to



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obtain a report from the jurisdictional Revenue Divisional Officer in the above regard, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the said receipt, the 2nd respondent is directed to conclude the enquiry on merits and in accordance with law after affording an opportunity of hearing to the petitioner, within a period of four weeks thereafter. It is made clear that if there is any violation or non provision of safety equipments in petitioner's premises, the respondents is at liberty to take necessary action, as per law.

9. With the aforesaid directions, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No
Internet: Yes/No
Speaking Order/Non-Speaking Order
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M.DHANDAPANI, J.

vsi2

To

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Nutritious Meal Programme (SW5) Department,
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2. The Collector of Chennai,
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