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W.P. No.11915 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:26.06.2024

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.11915 of 2024

A. Ramesh

....Petitioner

Vs

1. The District Collector,
District Collector Office,
Kancheepuram.
2. The Tahsildar,
Walajabad Taluk,
Walajabad, Kancheepuram District.
3. The Block Development Officer,
Panchayat Union and Block,
Walajabad Taluk,
Kancheepuram District.
4. The President,
Ayyanpettai Panchayat Office,
Walajabad Panchayat Union,
Kancheepuram District.

....Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records pertaining to the undated notice passed by the 4th respondent in the petitioner premises namely "Rishab Beef Stall" situated at No. 80, Ayyampettai Village, Arijana Colony, (Parameshwarapuram), Walajabad Taluk, Kancheepuram District and pass orders accordingly.

For petitioner : Mr.R. Sreedhar
For Respondents : Mr.N. Naveen Kumar for R1 & R2
(Govt. Advocate)
: Mr.K. Karthikeyan for R4
(Govt. Advocate)

ORDER

This Writ petition has been filed seeking for a Writ of Certiorari calling for the records pertaining to the undated notice passed by the 4th respondent in the petitioner premises namely "Rishab Beef Stall" situated at No. 80, Ayyampettai Village, Arijana Colony, (Parameshwarapuram), Walajabad Taluk, Kancheepuram District and pass



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orders accordingly.

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2. The learned counsel for the petitioner submits that the petitioner had purchased a vacant land from one Mr. K. Krishnan measuring to the extent of East-West 12 ft, North-South 80 ft, and in total of 960 sq.ft., in Kalani Natham Survey No. 24/2 located at No.80, Ayyampettai Village Arijana Colony (Parameshwarapuram). Kizhakku Merku Veedhi, Thenandai Vadai, vide Sale Deed No. 2343 of 2004 dated 24.06.2004 registered in the Sub-Registrar Office of Walajabad. In the said premises, the petitioner had started a Beef Stall named as “Rishab Beef Stall” in 100 Sq.ft. with reinforced cement concrete floor and run the Beef stall for the past 20 years in a hygienic way and as per the Government norms without any disturbances or issues paying Professional Tax to the 4th respondent regularly.

3.It is further submitted that even though the petitioner has paid professional tax regularly and has run the Beef Stall in a hygienic way, the 4th respondent had sealed the said Beef stall without following the due process of law. Hence, the petitioner had made a representation dated 24.02.2024 and 18.03.2024 to the respondents requesting to remove the seal



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put by them. Even though the respondents had received the aforesaid representations, they have neither considered the representation nor removed the seal put by them. Hence, this Writ petition has been filed.

4.The learned counsel for the respondents submits that the petitioner had filed the present Writ petition by concealing the true facts. In the said stall, the petitioner was slaughtering the cows in open place in unhygienic manner and also dumping the waste in the nearby canal belonging to the Panchayat. Further, the blood of the slaughtered cows was mixed in the drinking water.

5.It is further submitted by the learned counsel for the respondents that the petitioner was running the said shop without proper licence and had not paid the professional tax as alleged by him. Only after the shop was sealed, the petitioner had sent the said Professional tax and the same was returned along with reply rejecting his representation.

6.The learned counsel for the respondents further submits that the people who are residing in the nearby Beef Stall, are suffering from



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vomiting and various health problems. In this regard, various complaints have been received from the local people. Hence, the 3rd respondent herein Vide his proceedings in Na.Ka.No.2713/2022/A3 dated 11.08.2022 and Na.Ka.No.406/2023/A3 dated 13.02.2023 had directed the 4th respondent to take action in this regard. It was intimated to the petitioner by issuing various notices, in spite of the same, the petitioner was continuing to slaughter the cows and dump the waste in canal, causing various health problem to the local people. Hence, the shop had been sealed for the safety of the local people. Therefore, the writ petition is liable to be dismissed.

7. Heard both sides and perused the material available on records.

8. Having considered the facts and circumstances of the case and perused the photographs which reveals that the petitioner was running the Beef Staff in unhygienic manner without obtaining proper licence from the authorities concerned. Hence, there is no wrong committed by the authorities concerned for sealing the said shop. Under such circumstances, this Court is not inclined to interfere with the proceedings initiated by the



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local authorities in sealing the shop. However, it is left open to the petitioner to approach the authorities concerned to run the shop after obtaining the proper licence as per the relevant provisions of the Law.

9. In the result, the Writ petition is dismissed. No costs.

26.06.2024

Index : Yes/No

Internet: Yes/No

Lbm

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V.BHAVANI SUBBAROYAN, J.,
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