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W.P.No.37715 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 11.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.37715 of 2024 and
WMP No.40770 of 2024

K.Hemalatha

... Petitioner

Vs.

1. Greater Chennai Corporation,
Rep. by its Commissioner,
Rippon Buildings, 53, Raja Muthiah Road,
Kannappar Thidal, Periyamet,
Chennai 600 003.
2. The Regional Deputy Commissioner,
North Chennai, Greater Chennai Corporation,
No.62, Basin Power House Road,
Basin Bridge, Chennai 600 012.
3. The Assistant Revenue Officer,
Zone-IV, Revenue Department,
Greater Chennai Corporation,
Old Washermanpet, Chennai 600 021.
4. The Tamil Nadu Pollution Control Board,
Rep. by its District Environment Engineer,
950/1, Poonamallee High Road, Chennai 600 084.
5. V. Giri, Proprietor of Durga Steel Industries,
Door No.73/18 & 75/19, Ellaya Street,
Old Washermanpet, Chennai 600 021.

6. Bharathi @ Baskar

... Respondents



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Prayer: Writ petition filed under Article 226 of Constitution of India seeking for issuance of Writ of Mandamus, directing the respondents 1 to 4 to forthwith take necessary and appropriate legal action to close down the industry of the fifth respondent namely Durga Steel Industry at Door No.73/18 and 75/19, Ellaya Street, Old Washermanpet, Chennai 600 021.

For Petitioner : Mr.K.Selvaraj

For Respondents : Mr.A.C.Mani Bharathi, Standing Counsel

ORDER

The petitioner herein seeks a direction to the respondents 1 to 4 to take necessary legal action to close down the industry of the fifth respondent, namely Durga Steel Industries at Door No.73/18 & 75/19, Ellaya Street, Old Washermanpet, Chennai 600 021.

2. It is the case of the petitioner that that the fifth respondent is running a Steel Industry in the above said place, causing trouble to the petitioner and other respondents in the locality. The fifth respondent has been running the said Steel Industry without any proper licence. Therefore, the petitioner earlier approached this court in W.P.No.25405 of 2023 seeking direction to the official respondents to close down the industry run by the fifth respondent. The said writ petition was



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disposed of on 04.09.2023 with a direction to the official respondents to issue show cause notice to the fifth respondent and to pass final orders on its own merits. Thereafter, the third respondent herein passed an order in Z.O.IV.R.D.C.No. 2150/2023, dated 05.01.2024 stating that the industry of the fifth respondent was closed and he vacated the premises. Subsequently, the fifth respondent started running the industry in the very same place from August 2024. Therefore, the petitioner sent a detailed representation to the respondents, especially the third respondent on 25.10.2024, bringing to their notice that the fifth respondent started industry without licence. The representation has not been considered. Hence, the petitioner has come before this court.

3. The learned counsel appearing for the petitioner submitted that the fourth respondent already sent a communication to the petitioner stating that during inspection it was found that the fifth respondent was running the industry without proper licence. In spite of the same, the respondents 1 to 3 have not taken any steps against the fifth respondent.



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4. Mr.A.C.Mani Bharathi, learned Standing Counsel, who takes notice for the respondents 1 to 3, on instructions, submitted that pursuant to the representation submitted by the petitioner, show cause notice was issued by the first respondent to the fifth respondent on 13.11.2024 and enquiry is pending. The enquiry notice produced before this Court is scanned and reproduced below.

C.F.P. 437 / 2023-24 / R.D. / 2024, 100 & 101 / Jan. 2024 of 100000		TRIPPLICATE	
GREATER CHENNAI CORPORATION			
Revenue Department			
Zone -			
Dated	13.11.2024	S.No	880
From	THE COMMISSIONER Greater Chennai Corporation		
To	N. G. R. 73/12, 2, 75/19, Dillaga Street, Annamalai Nagar, 2nd St, 2nd Floor, 2nd Floor		
Sir / Madam, Durga Street			
As you are runningtrade in the above premises <u>contrary to the conditions of licence</u> issued, without a licence contrary under Section-102,105,107,108,108-A,109 of the TNULB Act 1998, you are required to comply with the requirements specified on apply for licence paying the Scheduled licence the <u>reverse</u> within seven days, fees from the date of receipt of this letter failing which prosecution will be launched against you.			
Please do note that under Section 114A of the Act, steps will be taken to prevent, you from continuing to use this place as.....			
L. I.	for Commissioner		

C.F.P. 437 / 2023-24 / R.D. / 2024, 100 & 101 / Jan. 2024 of 100000		DUPLICATE	
GREATER CHENNAI CORPORATION			
Revenue Department			
Zone -			
Dated	13.11.2024	S.No	880
From	THE COMMISSIONER Greater Chennai Corporation		
To	V. G. R. 73/12, 2, 75/19, Dillaga Street, Annamalai Nagar, 2nd St, 2nd Floor, 2nd Floor		
Sir / Madam, Durga Street			
As you are runningtrade in the above premises <u>contrary to the conditions of licence</u> issued, without a licence contrary under Section-102,105,107,108,108-A,109 of the TNULB Act 1998, you are required to comply with the requirements specified on apply for licence paying the Scheduled licence the <u>reverse</u> within seven days, fees from the date of receipt of this letter failing which prosecution will be launched against you.			
Please do note that under Section 114A of the Act, steps will be taken to prevent, you from continuing to use this place as.....			
L. I.	for Commissioner		



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5. In view of the submission made by the learned counsel appearing for the respondents 1 to 3, the first respondent is directed to complete the enquiry initiated by him in response to the representation submitted by the petitioner and pass final orders on its own merits, within a period of six weeks from the date of receipt of a copy of this order, after affording reasonable opportunity to the petitioner and the fifth respondent.

6. With the above directions, this writ petition is disposed of. There shall be no order as to costs. Connected miscellaneous petition is closed.

11.12.2024

Index:Yes/No
Internet:Yes/No
mst



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S.SOUNTHAR, J.

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