



W.P.No.17607 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.17607 of 2023

Jiji Mathew

...Petitioner

-Vs-

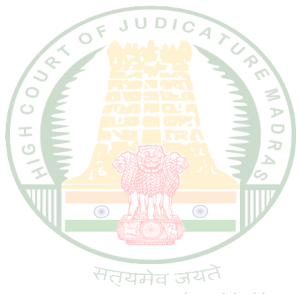
1.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai.

2.The Zonal Officer,
Chennai Metropolitan Municipal Corporation,
Zone-4, Tondiarpet,
Chennai.

3.C.Rajendran

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, directing the respondents 1 & 2 to take appropriate action against the 3rd respondent namely M/s.Anand Agencies for illegally storing and selling the



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building construction materials causing Air Pollution, Health Hazards and Public nuisance based on the representation of the petitioner dated 01.04.2023.

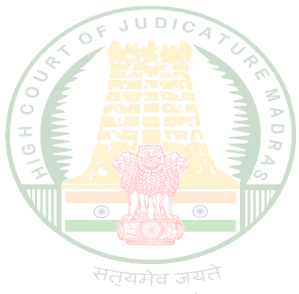
For Petitioner : M/s.M.Janai

For Respondents : M/s.P.T.Rama devi
Standing Counsel for R1 & R2
M/s. N.Vinodhini for R3

ORDER

The writ petition has been filed to directing the respondents 1 & 2 to take appropriate action against the 3rd respondent namely M/s.Anand Agencies for illegally storing and selling the building construction materials causing Air Pollution, Health Hazards and Public nuisance based on the representation of the petitioner dated 01.04.2023.

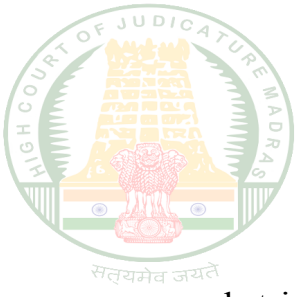
2.The learned counsel appearing for the petitioner submitted that the Petitioner has been raising complaints for over 20 years against the unauthorized trade of Anand Agencies, owned by the 3rd respondent, dealing in building construction materials in a residential area, causing severe air and



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dust pollution. Despite multiple representations to the Greater Chennai Corporation and the TNPCB, no effective action was taken. The petitioner's family, including elderly parents, suffered serious health issues due to pollution from the trade. Following a Writ Petition (W.P. No. 14160/2022), this Court directed the authorities to act on the Petitioner's complaint. As a result, the 3rd Respondent's premises was sealed, and his trade licenses was canceled. However, despite this, the 3rd Respondent unlawfully resumed business at a new location without obtaining the mandated licenses. The Petitioner's online complaint to the Greater Chennai Corporation (No. 2023.738FNC) was closed with incorrect responses.

3.The learned counsel for the petitioner further submitted that the 3rd Respondent also filed a Writ Petition (W.P. No. 3596/2023) seeking re-issuance of licenses while simultaneously running the business illegally. He had previously given an undertaking not to continue business in the sealed premises but later misrepresented that it would be used as a clinic. Despite repeated complaints, no action has been taken against the illegal storage godown. Hence, the present Writ Petition is filed, seeking appropriate relief



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and strict enforcement of regulations against the unauthorized trade

4.The learned counsel appearing for the respondent has filed counter affidavit dated 22.01.2024 wherein it is stated that :

" 13. I respectfully submit that while the matter stood thus the petitioner herein has filed the present Writ Petition and on receipt of the notice in the above writ petition the buildings stated by the petitioner in the affidavit filed in support of above Writ Petition was inspected by the officials of Greater Chennai Corporation and found as follows:-

On inspection of the building at Old No. 7/1, New No. 12/1, Ilaya Mudali Street, Tondiarpet, Chennai 600 021, it was found that the above said building belongs to one Mr. K. Rajan. Further, said Mr. K. Rajan has kept the shop in his building as vacant.

On inspection of the building at Old No. 26/1, New No. 77, Rathna Sahapathy Street, Old Washermenpet, Chennai - 600 021, found that the no trade activity is being carried out by the 3rd respondent in the above said building.



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14. 1. respectfully that the petitioner herein has filed the above Writ Petition on presumption that the 3rd respondent herein has commenced his trade of blue metals and cement in the above said buildings and on this ground alone the above writ petition is liable to be dismissed.

5. Heard both side and perused the materials available on record.

6. In view of the above mentioned counter affidavit which states that in the subject matter building no trade activities is carried out by the 3rd respondent which was verified on inspection conducted by the 2nd respondent, nothing survives for adjudication in the writ petition.

7. Accordingly, the writ petition stands disposed of. No Costs.

27.03.2025

vsn

Index : Yes / No

Speaking / Non-Speaking Order

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To

- 1.The Commissioner,
Corporation of Chennai,
Ripon Building,
Chennai- 600 003.
- 2.The Assistant Engineer,
Tamil Nadu Water Supply and Sewerage Board,
Old No.46, Professor Sanjeevi Street,
Mylapore, Chennai- 600 004.
- 3.The Tamil Nadu Walf Board,
Rep. By its Chief Executive Officer,
No.1, JafferSyrang Street,
VallalSeethakathi Nagar,
Chennai- 600 028.



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J.SATHYA NARAYANA PRASAD, J.

vsn

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