

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 15-12-2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WRIT PETITION No.1428 OF 2015

- 1.Govindama
- 2.Desam
- 3.Rajeshwari
- 4.Devam
- 5.A.Alphonse
- 6.Annamma
- 7.Nachathiram
- 8.Fathima
- 9.Chandar lal
- 10.Rajagopal
- 11.B.Fakeer Mohamed @ Babu
- 12.Mohamed Shabi
- 13.Sayeed Ahamed
- 14.S.Vonodh

...Petitioners

-vs-

- 1.The Superintending Engineer,
Regional Deputy Commissioner Office
(Central),
Corporation of Chennai,
Door No.16, 'B', 2nd Cross Street,
Pulla Avenue,
Shenoy Nagar,
Chennai - 30.

- 2.The Zonal Officer,
Zone IX (Teynampet),
Corporation of Chennai,
No.4, 4th Cross Street,
Lake View Road,
Chennai-14.

- 3.The Assistant Commissioner,
Zone IX (Teynampet),
Corporation of Chennai,
No.4, 4th Cross Street,
Lake View Road,
Chennai-14.

- 4.The Assistant Engineer,
126-Ward, Corporation of Chennai,
Mandaveli,
Chennai-5.

...Respondents

Writ Petition under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus, directing the respondents 3 and 4 to consider the petitioners' representation, dated 13.01.2015, and forbearing the respondents, their men/servants/agents from evicting the petitioners from Mandaveli Fish Market at West Circle Road, Mandaveli, without following due process of law.

For petitioners : Mr.K.Rajasekaran

For respondents : Mr.P.V.Selvakumar

O R D E R

Petitioners have filed this Writ Petition, praying for a direction to respondents 3 and 4 to consider their representation, dated 13.01.2015, and forbear the respondents, their men/servants/agents from evicting the petitioners from Mandaveli Fish Market at West Circle Road, Mandaveli, without following due process of law.

2. It is not in dispute, that before construction of the Fish Market at Mandaveli, the petitioners did not obtain any permission from the authorities concerned. However, from the photographs produced before the Court, it is seen, that a pakka market has been constructed, though with asbestos roofs. It is also seen, that the trading area is covered with ceramic tiles, and the trading area has also been earmarked.

3. It is submitted by the learned counsel for the petitioners, that the Municipal Corporation Councillor of the area alone has constructed the market.

4. Though this Writ Petition was entertained and an interim order of status quo granted as early as January, 2015, till-date, no counter affidavit has been filed by the respondents. That apart, this Court adjourned the matter several times, at the instance of the respondent Corporation, requesting for time, to file a counter affidavit. It is not known as to the exact reasons, why the respondents have not filed the counter affidavit, in spite of the interim order operating against them. Apart from that, it is specifically stated, that the entire structure of the market is an unauthorised construction.

5. Given the above facts and circumstances, this Court is not inclined to keep the Writ Petition pending, any longer. Accordingly, this Writ Petition is disposed of,

directing the fourth respondent to consider the petitioners' representation, dated 13.01.2015, on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order. Until then, the order of status quo, already granted, shall continue. No costs. Consequently, the connected M.P.No.1 of 2015 is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

dixit

To

- 1.The Superintending Engineer,
Regional Deputy Commissioner Office (Central),
Corporation of Chennai,
Door No.16, 'B', 2nd Cross Street,
Pulla Avenue,
Shenoy Nagar,
Chennai - 30.
- 2.The Zonal Officer,
Zone IX (Teynampet),
Corporation of Chennai,
No.4, 4th Cross Street,
Lake View Road,
Chennai-14.
- 3.The Assistant Commissioner,
Zone IX (Teynampet),
Corporation of Chennai,
No.4, 4th Cross Street,
Lake View Road,
Chennai-14.
- 4.The Assistant Engineer,
126-Ward, Corporation of Chennai,
Mandaveli,
Chennai-5.

+1cc to Mr.A. Swaminathan, Advocate, S.R.No.67527
+1cc to Mr.P.V. Selvakumar, Advocate, S.R.No.67327

SR(CO)
EU(29/12/2015)

W.P.No.1428 OF 2015