

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 20.07.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.20617 of 2015

M.Sreekumar

...Petitioner

Versus

- 1 The Commissioner
The Corporation of Chennai
Rippon Buildings
Chennai-600 003.
- 2 The Commissioner
Chennai Metropolitan Police
Veppery
Chennai-600 007.
- 3 The Inspector
F-3 Traffic Police Station
Nungambakkam
Chennai-600 034.

...Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, directing the 1st respondent to consider the representation dated 05.03.2014 and to permit the petitioner to run the business of Petty Shop at No.10 40 feet Road Mahalingapuram Main Road in front of No.10 Private House Opp. No.96 Kamdar Nagar Provisions Store Mahalingapuram Nungambakkam Chennai-600 034.

For Petitioner : Mr.S.Arivazhagan

For Respondents : Mr.P.V.Selvakumar (For R1)
Standing counsel.

Mr.Rm.Muthukumar (For R2 and R3)
Government Advocate

O R D E R

By consent, the writ petition is taken up for final disposal.

2. The petitioner claims that he has put up a bunk shop on the 40 feet Road, Mahalingapuram Main Road in front of No.10 Private House Opposite to No.96 Kamdar Nagar Provisions Store Mahalingapuram, Nungambakkam, Chennai-600 034, for the past 16 years and is maintaining the shop in a hygienic manner and is fully complying with the provisions of Food Safety and Standards Act, 2006 (34 of 2006).

3. The petitioner submitted a representation dated 05.03.2014 praying for necessary permission to continue to run the said shop on the road belonging to Corporation of Chennai and though, it was acknowledged on 15.03.2014, he has not been favoured with any kind of response and hence, came forward to file this writ petition.

4. The learned counsel appearing for the petitioner would submit that the family of the petitioner is solely dependent upon the income earned out of the said business and prays for appropriate orders.

5. Per contra, Mr.P.V.Selvakumar, learned standing counsel who accepts notice on behalf of the 1st respondent submitted that admittedly, the petitioner is an encroacher and he cannot claim as a matter of right to run a bunk shop on a public road.

6. The Court heard the submissions of Mr.Rm.Muthukumar, learned Government Advocate, who accepts notice on behalf of respondents 2 and 3.

7. This Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner in this writ petition, permits the petitioner to submit one more representation to the 1st respondent by enclosing a copy of his earlier representation dated 05.03.2014, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the 1st respondent is directed to consider the said representation, in accordance with law, after putting on notice the 3rd respondent as well as other persons concerned and pass orders, within a period of eight weeks, thereafter and communicate the decision taken to the petitioner as well as the 3rd respondent and other persons concerned.

8. The writ petition is disposed of, accordingly. No Costs.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

ars

To

- 1 The Commissioner
The Corporation of Chennai Rippon Buildings
Chennai-600 003.
 - 2 The Commissioner
Chennai Metropolitan Police Veppery
Chennai-600 007.
 - 3 The Inspector
F-3 Traffic Police Station Nungambakkam
Chennai-600 034.
- 1 CC to Mr.S.Arivazhagan, Advocate SR.No. 36608

W.P.No.20617 of 2015

NM (CO)
PSI (31.07.2015)

सत्यमेव जयते

WEB COPY