

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03..09..2015

CORAM

THE HON'BLE Mr.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
THE HON'BLE Mr.JUSTICE T.S.SIVAGNANAM

W.P. Nos.18677 of 2014, 14815 of 2013, 12049 of 2013, 4962 of 2013,
8134 to 8139 of 2013, 8540 to 8545 of 2013, 15436 of 2013,
2483 to 2485 of 2014, 2106 to 2109 of 2014, 11842 and 11843 of 2014,
34930 of 2013, 34295 of 2013, 25860 of 2013, 26473 of 2013,
30570 to 30573 of 2013, 30763 of 2013, 31756 of 2013, 24467 of 2013,
24468 of 2013, 3593 to 3597 of 2014, 3731 and 3732 of 2014,
26647 and 26648 of 2015, 20797 and 20798 of 2015, 22765 of 2015
16073 of 2015, 24543 of 2015, 15408 of 2011, 3245 of 2011,
11622 to 11625 of 2010, 11680 of 2010, 17114 of 2010, 27052 of 2012,
26223 of 2012, 16481 and 16483 of 2012, 18426 to 18428 of 2012.

A. SEKAR

S/O.ARUMUGAM ... PETITIONER in WP No.18677 of 2014

ANBU NILAYAM PHYSICALLY
HANDICAPPED SELF EMPLOYED WELFARE
ASSOCIATION REP BY ITS PRESIDENT NO.47
SAIT JASVANTHMAL STREET
CHENNAI 600 112

... PETITIONER in WP No.14815,12049 of 2013

THE TAMILNADU EDUCATED
SELF EMPLOYED WELFARE ASSON.
(REG. NO.222/1993) REP. BY ITS SECRETARY
NO.9 A STREET NETHAJI NAGAR
TONDIARPET CHENNAI-81

... PETITIONER in WP No.4962 of 2013

KASTHURI

D/O.RAJARAM NEAR AMBIT PARK BUILDING
AMBIT PARK ROAD AMBATTUR ESTATE
AMBATTUR CHENNAI 53

... PETITIONER in WP No.8134 of 2013

SUNDAR

ORPHAN 11 VASU STREET OPP TO EGA THEATRE
BUILDING KILPAUK CHENNAI 10

... PETITIONER in WP No.8135 of 2013

CHITRA

D/O.AYYASAMY

... PETITIONER in WP No.8136 of 2013

IBRAHIM
S/O.NYNA MOHAMED ... PETITIONER in WP No.8137 of 2013

SABEER
S/O.ABDUL RAHMAN ... PETITIONER in WP No.8138 of 2013

RENUKA DEVI
D/O.RAJAN ... PETITIONER in WP No.8139 of 2013

ILAVALAKI
D/O.ANBALAGAN ... PETITIONER in WP No.8540 of 2013

AKBAR
S/O.MOHAMED ISMAIL ... PETITIONER in WP No.8541 of 2013

GEETHA
D/O.K.SATHISKUMAR ... PETITIONER in WP No.8542 of 2013

CHANDRAN
ORPHAN ... PETITIONER in WP No.8543 of 2013

J.SUJATHA
W/O.JAYAVELU ... PETITIONER in WP No.8544 of 2013

ADHILAKSHMI
ORPHAN ... PETITIONER in WP No.8545 of 2013

R.SANKAR
S/O. RAJARAM ... PETITIONER in WP No.15436 of 2013

AMMU
W/O.ARJUNAN ... PETITIONER in WP No.2483 of 2014

M.KUMAR
S/O.MARIAPPAN ... PETITIONER in WP No.2484 of 2014

V.KRISHNAN
S/O.VENUGOPAL ... PETITIONER in WP No.2485 of 2014

SIVAGAMI ... PETITIONER in WP No.2106 of 2014

CHITHRA ... PETITIONER in WP No.2107 of 2014

J.DEEPA
W/O. JOTHILINGAM ... PETITIONER in WP No.2108 of 2014

GAJALAKSHMI ... PETITIONER in WP No.2109 of 2014

A.IYARAMMAL
W/O.ARJUNAN ... PETITIONER in WP No.11842 of 2014

S. THURVASAL
S/O.SANKARAN ... PETITIONER in WP No.11843 of 2014

R.DAKSHINAMURTHY
S/O. RAJAKANNU ... PETITIONER in WP No.34930 of 2013

P.SHANTHI
W/O. PANDIARAJAN ... PETITIONER in WP No.34295 of 2013

S.BALAJI
S/O.LATE.SATHYANARAYANAN ... PETITIONER in WP No.25860 of 2013

C.N.ETTIAPPAN
S/O.C.NATHAN ... PETITIONER in WP No.26473 of 2013

M.TAMILSELVI ... PETITIONER in WP No.30570 of 2013

AHAMMED BASHA ... PETITIONER in WP No.30571 of 2013

KALAVATHI ... PETITIONER in WP No.30572 of 2013

K.CHANDRAN ... PETITIONER in WP No.30573 of 2013

K.MOHAN
S/O. S.KRISHNAMOORTHY ... PETITIONER in WP No.30763 of 2013

N.GOMATHY
D/O.N.NARAYANAN
C/O.AYYAPPAN ... PETITIONER in WP No.31756 of 2013

M.KUMAR ... PETITIONER in WP No.24467 of 2013

MOORTHY ... PETITIONER in WP No.24468 of 2013

S.LAKSHMI
W/O.SARAVANAN ... PETITIONER in WP No.3593 of 2014

K.GOMATHI
W/O.KAYAMBU ... PETITIONER in WP No.3594 of 2014

G.RAJADURAI
S/O.GANESH BOSE ... PETITIONER in WP No.3595 of 2014

A.SURESHKUMAR
S/O.AYYADURAI ... PETITIONER in WP No.3596 of 2014

T.NAGARAJAN
S/O.THANIKACHALAM ... PETITIONER in WP No.3597 of 2014

A.BALAKRISHNAN
S/O. AZHAGU ... PETITIONER in WP No.3731 of 2014

A.VENKATESAN
S/O. ARUMUGAM ... PETITIONER in WP No.3732 of 2014

A. RAJESWARI
W/O. AYYATHURAI ... PETITIONER in WP No.26647 of 2015

N. SAKUNTHALA
W/O. NAGAPPAN ... PETITIONER in WP No.26648 of 2015

N. PUSHPA ... PETITIONER in WP No.20797 of 2015

P. GOVINDAN ... PETITIONER in WP No.20798 of 2015

S.SARAVANAN
S/O.SAMPATH ... PETITIONER in WP No.22765 of 2015

ANBU NILAYAM PHYSICALLY
HANDICAPPED SELF EMPLOYED WELFARE
ASSOCIATION REP. BY ITS PRESIDENT MR. A.
CHANDRASEKARAN NO.47 SAIT JASWANTHMAL
STREET CHOOLAI CHENNAI-112.
... PETITIONER in WP No.16073 of 2015

SHARMILA BANU
D/O. JAHIR HUSSAIN ... PETITIONER in WP No.24543 of 2015

K.AMUTHA
D/O.KRISHNAN ... PETITIONER in WP No.15408 of 2011

C.SELVAM ... PETITIONER in WP No.3245 of 2011

C.RAMACHANDRAN ... PETITIONER in WP No.11622 of 2010

A.ATHILAKSHMI ... PETITIONER in WP No.11623 of 2010

S.JAMSHEETN ... PETITIONER in WP No.11624 of 2010

C.ESAKKI PANDY ... PETITIONER in WP No.11625 of 2010

P.SANKAR
S/O.PALANISAMY ... PETITIONER in WP No.11680 of 2010

C.CHINNAN
S/O.S.SWAMY GOUNDER ... PETITIONER in WP No.17114 of 2010

M.NAGARAJ
S/O.P.MANI ... PETITIONER in WP No.27052 of 2012

E.LOGANATHAN
S/O.ELUMALAI ... PETITIONER in WP No.26223 of 2012

K.CHANDRAN ... PETITIONER in WP No.16481 of 2012
SHANKAR ... PETITIONER in WP No.16483 of 2012
JEENATH ... PETITIONER in WP No.18426 of 2012
B.KARTHIKEYAN ... PETITIONER in WP No.18427 of 2012
CHINNADURAI ... PETITIONER in WP No.18428 of 2012

Versus

- 1 THE STATE COMMISSIONER FOR
DIFFERENTLY ABLED PERSONS O/O. THE STATE
COMMISSIONER FOR DIFFERENTLY ABLED PERSONS
SRDC JAWAHARLAL NEHRU INNER RING ROAD K.K.
NAGAR CHENNAI 78
- 2 THE COMMISSIONER
CHENNAI CORPORATION RIPON BUILDING
CHENNAI 3
- 3 THE COMMISSIONER OF POLICE
GREATER CHENNAI VEPERY CHENNAI 7
... RESPONDENT in WP No.18677 of 2014
- 1 THE STATE COMMISSIONER FOR
DIFFERENTLY ABLED K.K.NAGAR CHENNAI 600 078.
- 2 THE COMMISSIONER
CORPORATION OF CHENNAI RIPON BUILDING
CHENNAI. ... RESPONDENT in WP No.14815 of 2013
- 1 THE SECRETARY TO GOVERNMENT
GOVERNMENT OF TAMILNADU LOCAL BODIES
DEPARTMENT FORT ST. GEORGE CHENNAI-9
- 2 THE STATE COMMISSIONER
FOR DIFFERENTLY ABLED K.K.NAGAR
CHENNAI-600078
- 3 THE COMMISSIONER
CORPORATION OF CHENNAI RIPON BUILDING
CHENNAI

4 M. KUMUDAVALLI
W/O.LATE MOHAN DASS
NO.6 RAMASAMY STREET
PUDUPALAYAM CUDDALORE
CUDDALORE DISTRICT - 607 001.

R-4 IS IMPEADED AS PER ORDER DATED:31.07.
2015 BY S.K.K. CJ & T.S.S. J. IN MP.1/2015
IN WP.12049/2013. ... RESPONDENT in WP No.12049 of 2013

1 THE GOVERNMENT OF TAMILNADU
REP. BY ITS SECRETARY LOCAL ADMINISTRATION
DEPARTMENT FORT ST. GEORGE CHENNAI-9

2 THE CORPORATION OF CHENNAI
REP. BY ITS COMMISSIONER RIPON BUILDINGS
CHENNAI-3

3 THE COMMITTEE FOR BUNK
SHOPS REP. BY THE LAW OFFICER CORPORATION
OF CHENNAI CHENNAI-3

4 K.R.RAMASWAMY ALIAS
TRAFFIC RAMASAMY S/O.RANGASWAMY SOCIAL
ACTIVIST AND SR.CITIZEN 152/315 THAMBU ST.
CHENNAI-1.

R4-IMPPL AS PER ORD.DT.
10/04/2013 BY ACJ &NPVJ IN MP 3/13 IN WP
4962/13 ... RESPONDENT in WP No.4962 of 2013

1 THE COMMISSIONER
CORPORATION OF CHENNAI RIPON BUILDING
CHENNAI 3

2 THE STATE COMMISSIONER FOR
DIFFERENTLY ABLED NEHRU INNER RING ROAD
K.K.NAGAR CHENNAI 78

3 K.R. RAMASWAMY ALIAS TRAFFIC RAMASWAMY
S/O.RANGASWAMY SOCIAL ACTIVIST AND
SENIOR CITIZEN NO.152/315 THAMBU STREET
4TH FLOOR CHENNAI-1.

... RESPONDENT in WP No.8134 of 2013
R-3 IS IMPEADED AS PER ORDER DATED:31.07.
2015 BY S.K.K. CJ & T.S.S. J. IN MP.3/2013
IN WP.8134/2013.

- 1 THE COMMISSIONER
CORPORATION OF CHENNAI RIPPON BUILDING
CHENNAI 3
- 2 THE STATE COMMISSIONER FOR
DIFFERENTLY ABLED NEHRU INNER RING ROAD K.
K.NAGAR CHENNAI 78 ... RESPONDENT in WP No.8135,8136,8137,8138,
8139,8540, 8541,8542,8543,8544,8545
of 2013.
- 1 THE PRINCIPAL SECRETARY/
COMMISSIONER CORPORATION
OF CHENNAI RIPPON
BUILDINGS CHENNAI-3
- 2 THE ASSISTANT COMMISSIONER
ZONE VIII CORPORATION OF CHENNAI KILPAUK
CHENNAI-10 ... RESPONDENT in WP No.15436 of 2013
- 1 THE STATE COMMISSIONER FOR
DIFFERENTLY ABLED O/O. STATE COMMISSIONER
FOR DIFFERENTLY ABLED NO.15/1 MODEL SCHOOL
ROAD THOUSAND LIGHTS CHENNAI 6
- 2 THE COMMISSIONER
CORPORATION OF CHENNAI
RIPPON BUILDINGS CHENNAI 3
... RESPONDENT in WP No.2483,2484,2485,2106,
2107,2108,2109 of 2014
... RESPONDENT in WP No.11622,11623,11624,11625
11680 of 2010, 27052/12
- 1 THE SECRETARY TO GOVERNMENT
GOVT. OF TAMILNADU LOCAL BODIES DEPT.
FORT ST. GEORGE CHENNAI 9
- 2 THE SPECIAL COMMISSIONER
FOR HANDICAPPED O/O. THE STATE COMMISSIONER
FOR DISABLED NO.15/1 MODEL SCHOOL ROAD
THOUSAND LIGHTS CHENNAI 6
- 3 THE PRINCIPAL SECRETARY/
THE COMMISSIONER CHENNAI CORPORATION RIPON
BUILDINGS CHENNAI 3
... RESPONDENT in WP No.11842,11843 of 2014

- 1 STATE OF TAMILNADU
REP.BY ITS SECRETARY ADI DRAVIDA WELFARE
DEPARTMENT FORT ST. GEORGE CHENNAI-9
- 2 TAMILNADU KHADI VILLAGE
INDUSTRIES BOARD REP.BY ITS ASSISTANT
DIRECTOR GUINDY CHENNAI-35
- 3 THE COMMISSIONER
CORPORATION OF CHENNAI CHENNAI
... RESPONDENT in WP No.34930 of 2013
- 1 THE SPECIAL COMMISSIONER
FOR HANDICAPPED O/O STATE COMMISSIONER FOR
DISABLED NO.15/1 MODEL SCHOOL ROAD
THOUSAND LIGHTS CHENNAI - 600 006.
- 2 THE COMMISSIONER
CHENNAI CORPORATION RIPPON BUILDINGS
CHENNAI - 600 003.
... RESPONDENT in WP No.34295 of 2013
- 1 THE COMMISSIONER
CORPORATION OF CHENNAI RIPON BUILDINGS
CHENNAI
- 2 THE STATE COMMISSIONER FOR
THE DIFFERENTLY ABLED NEHRU INNER RING ROAD
K.K.NAGAR CHENNAI-78
... RESPONDENT in WP No.25860 of 2013
& 20797 & 20798 of 2015
- 1 THE ASSISTANT COMMISSIONER
CORPORATION OF CHENNAI LAKE AREA
VALLUVARKOTTAM NUNGAMBAKKAM CHENNAI-34.
- 2 THE COMMISSIONER
CORPORATION OF CHENNAI CHENNAI-3.
- 3 THE DIRECTOR
CARPENTER & BLACKSMITH UNIT TAMIL NADU
KHADI AND VILLAGE INDUSTRIES BOARD GUINDY
CHENNAI-32.
... RESPONDENT in WP No.26473 of 2013

1 THE STATE COMMISSIONER FOR
DIFFERENTLY ABLED O/O. STATE COMMISSIONER
FOR DIFFERENTLY ABLED NEHRU INNER RING ROAD
K.K.NAGAR CHENNAI 78

2 THE COMMISSIONER
CORPORATION OF CHENNAI RIPPON BUILDINGS
CHENNAI 3

... RESPONDENT in WP No.30570,30571,
30572,30573 of 2013

1 THE ASSISTANT ENGINEER
NEW ZONE-X WARD NO.136
(OLD ZONE VIII WARD 126)
CORPORATION OF CHENNAI SOUTH
BOUGH ROAD T.NAGAR CHENNAI-17

... RESPONDENT in WP No.30763 of 2013

1 THE SPECIAL COMMISSIONER FOR
HANDICAPPED O/O. THE STATE COMMISSIONER
FOR DISABLED NO.15/1 MODEL SCHOOL ROAD
THOUSAND LIGHTS CHENNAI 6

2 THE COMMISSIONER
CHENNAI CORPORATION RIPPON BUILDINGS
CHENNAI 3

... RESPONDENT in WP No.31756 of 2013

1 THE STATE COMMISSIONER FOR
DIFFERENTLY ABLED O/O. STATE COMMISSIONER
FOR DIFFERENTLY ABLED NO.15/1 MODEL SCHOOL
ROAD THOUSAND LIGHTS CHENNAI 6

2 THE COMMISSIONER
CORPORATION OF CHENNAI RIPPON BUILDINGS
CHENNAI 3

3 THE ZONAL OFFICER
ZONAL OFFICE V CORPORATION OF CHENNAI NO.
61 BASIN BRIDGE SALAI CHENNAI 21

... RESPONDENT in WP No.24467,24468 of 2013

1 THE CORPORATION OF CHENNAI
REP. BY ITS COMMISSIONER RIPPON BUILDINGS
CHENNAI-3

2 THE COMMISSIONER OF POLICE

EGMORE CHENNAI-8 ... RESPONDENT in WP No.3593,3594,3595,3596,
3597,3731,3732 of 2014

THE CORPORATION OF CHENNAI
REP.BY ITS COMMISSIONER,
RIPPON BUILDINGS, CHENNAI 600 003.

... RESPONDENT in WP No.26647 and 26648 of 2015

1 THE STATE COMMISSIONER FOR
DIFFERENTLY ABLED PERSONS
O/O.THE STATE COMMISSIONER FOR
DIFFERENTLY ABLED PERSONS
SRDC JAWAHARLAL NEHRU INNER RING ROAD
K.K. NAGAR CHENNAI-78.

2 THE COMMISSIONER
CORPORATION OF CHENNAI
RIBBON BUILDING
CHENNAI-600 003.

3 THE ASSISTANT COMMISSIONER
ZONE-IX CORPORATION OF CHENNAI
NO.1 LAKE AREA 4TH CROSS STREET
NUNGAMBAKKAM CHENNAI-600 034.

... RESPONDENT in WP No.22765 of 2015

1 TAMILNADU SMALL INDUSTRIES
DEVELOPMENT CORPORATION LTD. REP. BY ITS
ESTATE MANAGER / ADMINISTRATIVE DIRECTOR
AMBATTUR INDUSTRIAL ESTATE AMBATTUR
CHENNAI-58.

2 THE DIRECTOR
CHENNAI AUTO ANCILLARY INDUSTRIAL
INFRASTRUCTURE UP-GRADATION COMPANY SIDCO
AMBATTUR INDUSTRIAL ESTATE AMBATTUR
CHENNAI-58.

... RESPONDENT in WP No.16073 of 2015

1 THE STATE COMMISSIONER FOR
DIFFERENTLY ABLED ALLIKULAM LINK ROAD
OPP. TO S.P.R. TRAVELS CHENNAI-3.

2 THE COMMISSIONER
CORPORATION OF CHENNAI
RIPPON BUILDINGS
CHENNAI-3.

3 THE ZONAL OFFICER
ZONE-V CORPORATION OF CHENNAI NO.61 BASIN
BRIDGE ROAD CHENNAI-21.

... RESPONDENT in WP No.24543 of 2015

1 THE COMMISSIONER
CORPORATION OF CHENNAI
RIPPON BUILDINGS
CHENNAI-3.

2 THE ZONAL OFFICER
ZONE-VII CORPORATION OF CHENNAI
CHENNAI-34.

... RESPONDENT in WP No.15408 of 2011

1 CHENNAI CORPORATION HEALTH
DEPT. RIPPON BUILDING CHENNAI

... RESPONDENT in WP No.3245 of 2011

1 THE MEMBER SECRETARY
CHENNAI METROPOLITAN DEVELOPMENT AUTHORITY
NO.1 GANDI IRWIN SALAI EGMORE CHENNAI-8

2 THE COMMISSIONER
CORPORATION OF CHENNAI RIPPON BUILDING
CHENNAI.

3 THE ASSISTANT COMMISSIONER OF
POLICE FLOWER BAZAAR POLICE RANGE CHENNAI-1.

4 THE INSPECTOR OF POLICE
FLOWER BAZAAR POLICE STATION
CHENNAI-1.

... RESPONDENT in WP No.17114 of 2010

1 THE COMMISSIONER
CORPORATION OF CHENNAI RIPPON BUILDINGS
CHENNAI 3

... RESPONDENT in WP No.26223 of 2012

1 THE STATE COMMISSIONER FOR
DIFFERENTLY ABLED O/O. STATE COMMISSIONER
FOR DIFFERENTLY ABLED NEHRU INNER RING ROAD
K.K.NAGAR CHENNAI-78.

2 THE COMMISSIONER
CORPORATION OF CHENNAI RIPPON BUILDINGS
CHENNAI-3.

... RESPONDENT in WP No.16481,
16483,18426,18427, 18428 OF 2012

WP No.18677 of 2014: directing the 2nd respondent to consider the petitioner representation dt 11.6.14 and grant permission for running bunk shop at No.862, near May day Park at Simpson, Chintadripet, Chennai 2, or allot a new alternative and suitable site to the petitioner within a time frame as stipulated by this Honourable Court and upon such allotment grant one month time to shifting the bunk shop from the present location to such new and alternative site

WP No.14815 of 2013: Writ of Certiorarified Mandamus calling for the records relating to the proceedings of the 2nd respondent dated 07/05/2013 and quash the same and forbear the 2nd respondent from interfering with the running of bunk shops by the members of the petitioner Association in the Chennai City till they are given alternative accommodation

WP No.12049 of 2013: Writ of Mandamus directing the respondents to consider and pass orders on the petitioners representation dated 4.4.2013 within a time frame and till final decision is taken not to disturb the running of bunk shops by the members of the petitioners Association in the Chennai City

WP No.4962 of 2013: Writ of Certiorarified Mandamus calling for the records relating to the Order No.LCC.LC4/5089/2012 dated 11.12.2012 of the 2nd respondent and quash the same as being illegal, arbitrary and unconstitutional and consequently issue a direction to the 2nd respondent to frame a scheme for bunk shops in Chennai after duly considering the petitioners request dated 12.2.2013, after giving the petitioner an opportunity of hearing

WP No.8134 to 8139 & 8540 to 8545 of 2013: Writs of certiorari calling for records of the 1st respondent relating to the passing of the impugned order in No. L.C.C. LC10/0385/2013 dt 21.2.2013 and quash the same

WP No.15436 of 2013: Writ of Certiorarified of Mandamus calling for the records relating to the final order issued in Z.O.VIII C No.D5/1639/2013 dated 16.5.2013 on the file of the 1st respondent quash the same and direct the respondents to permit the petitioner to continue the Bunk shop situated on the Western side corner adjoining the Corporation Shopping Complex in Taylors Road, Kilpauk, Chennai

WP No.2483 of 2014: Writ of Mandamus forbearing the 2nd respondent from disturbing the running of the petitioners Shop situated at Near Ambit Building I Gate, Ambit Park Road, Chennai 58 by selling Coffee, Tea and other allied items till petitioner is provided with alternate accommodation

WP No.2484 of 2014: Writ of Mandamus forbearing the 2nd respondent from disturbing the running of the petitioners Shop situated at Near to Thiru Building, Greams Road, Chennai 6 by selling Coffee, Tea and other allied items till petitioner is provided with alternate accommodation

WP No.2485 of 2014: Writ of Mandamus forbearing the 2nd respondent from disturbing the running of the petitioners Shop situated at Rajachari Street, Near Gyan Kiran, Opposite to Joylugas, T.Nagar, Chennai-600 017, by selling Coffee, Tea and other allied items till petitioner is provided with alternate accommodation

WP No.2106 of 2014: Writ of Mandamus forbearing the 2nd respondent from interfering with the running of the petitioners shop situated at Jai Nagar First Main Road, Near Jai Nagar Park, Opp. to Adhiparasakthi Temple, Arumbakkam, Chennai-106, by selling Coffee, Tea and other allied items till she is provided with alternative accommodation

WP No.2107 of 2014: Writ of Mandamus forbearing the 2nd respondent from interfering with the running of the petitioners shop situated at Near Ansoor Plaza Building, Kamalabai Street, T.Nagar, Chennai-17, by selling Coffee, Tea and other allied items till she is provided with alternative accommodation

WP No.2108 of 2014: Writ of Mandamus forbearing the 2nd respondent from interfering with the running of the petitioners shop situated at Near to Directorate of Educational Department, DPI, College Road, Chennai-6 by selling Coffee, Tea and other allied items till she is provided with alternative accommodation

WP No.2109 of 2014: Writ of Mandamus forbearing the 2nd respondent from interfering with the running of the petitioners shop situated at 2nd Main Road, Bus Depot Backside, Opp. to I.O.B., Ambathur Industrial Estate, Ambattur, Chennai-57 by selling Coffee, Tea and other allied items till she is provided with alternative accommodation

WP No.11842 of 2014: Writ of Certiorarified Mandamus calling for the records relating to the proceedings dt 7.5.2013 of the 3rd respondent and quash the same as null and void and consequently forbear the 3rd respondent from evicting the petitioner from the place of her bunk shop business at Sivaganam Street, No.16, Scan India (Opposite), J.Y.N. Kalyana Mandapam Compound, Venkatnarayana Road Junction, T.Nagar, Chennai 17 till she is allotted a corporation shop by the 3rd respondent

WP No.11843 of 2014: Writ of Certiorarified Mandamus calling for the records relating to the proceedings dt 7.5.2013 of the 3rd respondent and quash the same as null and void and consequently forbear the 3rd respondent from evicting the petitioner from the place of his bunk shop business near No.15, Raghuram Compound Wall, Opposite to T.Nagar

Head Post Office and at the junction of Sivagnanam Street, T. Nagar, Chennai 17 till he is allotted a corporation shop by the 3rd respondent

WP No.34930 of 2013: Writ of declaration declaring that the action of the 3rd respondent in forcibly evicting the petitioner and demolishing the bunk bearing No.15 at No.88, T.Nagar, Pondy Bazaar, Chennai-17, allotted to the petitioner on 27.12.1988 as illegal and unconstitutional and consequently direct the 3rd respondent to construct a fresh bunk allotted to the petitioner vide allotment certificate in 1988 and hand it over to the petitioner and to pay compensation of an amount of Rs.5,00,000/- for the loss incurred to the bunk shop and loss of livelihood

WP No.34295 of 2013: Writ of Mandamus forbearing the respondents from evicting the petitioner bunk shop at Gandhi Nagar 1st Main Road, near EB Station, Adyar, Chennai - 20.

WP No.25860 of 2013: Writ of Mandamus forbearing the 1st respondent or his men from evicting the petitioner from his bunk shop at No.149, Montieth Road, Opposite Hotel Atlantic, Chennai

WP No.26473 of 2013: Writ of Mandamus directing the 2nd respondent to take action on the petitioner petition dated 13.9.2013

WP No.30570 of 2013: Writ of Mandamus directing the 2nd respondent to consider and pass orders on the petitioners representation dt 19.8.2013 in the light of the orders passed in W.P. No. 30348 of 2011 batch dt 5.11.2012 and till final decision is taken, not to disturb the running of the petitioners shop situated at Play Ground Backside, Opposite to Airtel, Mandaivelipakkam, Chennai 28 by selling Coffee, Tea and allied food items

WP No.30571 of 2013: Writ of Mandamus directing the 2nd respondent to consider and pass orders on the petitioners representation dt 18.2.2013 in the light of the orders passed in W.P. No. 30348 of 2011 batch dt 5.11.2012 and till final decision is taken, not to disturb the running of the petitioners shop situated at Opposite to Kakani Building, Khadar Navaskhan Road, Thousand Lights, Chennai 6 by selling Coffee, Tea and allied food items

WP No.30572 of 2013: Writ of Mandamus directing the 2nd respondent to consider and pass orders on the petitioners representation dt 8.8.2012 in the light of the orders passed in W.P. No. 30348 of 2011 batch dt 5.11.2012 and till final decision is taken, not to disturb the running of the petitioners shop situated at Jothi Venkatachalam Street, Vepery, Chennai 7, by selling Coffee, Tea and allied food items

WP No.30573 of 2013: Writ of Mandamus directing the 2nd respondent to consider and pass orders on the petitioners representation dt 4.7.2013 in the light of the orders passed in W.P. No. 30348 of 2011 batch dt 5.11.2012 and till final decision is taken, not to disturb the running of the petitioners shop situated at No.74, Near Tasmac Godown (No.C13 Opposite) 5th Street, Ambatthur, Chennai 58 by selling Coffee, Tea and allied food items

WP No.30763 of 2013: Writ of Mandamus forbearing the respondent and his subordinates in any manner evicting or disturbing the Public Call Office (PCO phone booth shop) run by the petitioner at No.34, Thiagaraja Road, (near Rajakumari Theatre), T.Nagar, Chennai-17, except by due process of law

WP No.31756 of 2013: Writ of Mandamus forbearing the respondents from evicting the petitioner bunk shop at Barnabi Road, Kilpauk, Chennai 10

WP No.24467 of 2013: Writ of Certiorarified Mandamus calling for the records relating to the 3rd respondent in No. Z.O.5 Na. Ka. No./B2/5544/2013 dt 24.8.2013 and quash the same and direct the respondents 2 and 3, to grant licence for the petitioners bunk shop business of selling coffee, tea and other allied eatable at Eithiraj Salai (Commander-in-Chief Road), before the Wellington Estate, Opposite to Tamilnadu Tourism Development Corporation, Egmore, Chennai 8

WP No.24468 of 2013: Writ of Certiorarified Mandamus calling for the records relating of the 3rd respondent in No. Z.O.5 Na. Ka. No./B2/ 4825/2013 dt 23.8.2013 and quash the same and direct the respondents 2 and 3, to grant licence for the petitioners bunk shop business of selling coffee, tea and other allied eatable at Monteith Lane, Near Vijaya Bank, Egmore, Chennai 8

WP No.3593 of 2014: Writ of Mandamus directing the respondents to consider and pass orders on the petitioners request dated 27.11.2013 within a time frame and till final decision is taken, not to disturb the running of the petitioners bunk

WP No.3594 of 2014: Writ of Mandamus directing the respondents to consider and pass orders on the petitioners request dated 25.11.2013 within a time frame and till final decision is taken, not to disturb the running of the petitioners bunk

WP No.3595 of 2014: Writ of Mandamus directing the respondents to consider and pass orders on the petitioners request dated 27.11.2013 within a time frame and till final decision is taken, not to disturb the running of the petitioners bunk

WP No.3596 of 2014: Writ of Mandamus directing the respondents to consider and pass orders on the petitioners request dated 27.11.2013 within a time frame and till final decision is taken, not to disturb the running of the petitioners bunk

WP No.3597 of 2014: Writ of Mandamus directing the respondents to consider and pass orders on the petitioners request dated 25.11.2013 within a time frame and till final decision is taken, not to disturb the running of the petitioners bunk

WP No.3731 of 2014: Writ of Mandamus directing the respondents to consider and pass orders on the petitioners request dated 13.1.2014 within a time frame and till final decision is taken, not to disturb the running of the petitioners bunk shop

WP No.3732 of 2014: Writ of Mandamus directing the respondents to consider and pass orders on the petitioners request dated 29.11.2013 within a time frame and till final decision is taken, not to disturb the running of the petitioners bunk shop

WP No.26647 of 2015: Writ of Mandamus directing the respondent corporation to consider and pass orders on the petitioners request dt. 22.4.2015 within a time frame and till final decision is taken, not to disturb the running of the petitioners bunk at Velachery Main Road, near Corporation park of the Sutherland Gate, Velachery, Chennai.

WP No.26648 of 2014: Writ of Mandamus directing the respondent to consider and pass orders on the petitioners request dt. 3.06.2015 within a time frame and till final decision is taken, not to disturb the running of the petitioners bunk at CSIR Road, near Corporation Park of the Ascendas Gate, Taramani, Chennai.

WP No.20797 of 2014: Writ of Mandamus directing the 1st respondent to consider and pass orders on the petitioners representation dated 1.7.2015 for grant of license/permission for running of the petitioners bunk at Singaravelu street, corner of Big Bazar Compound Wall, (old Rajakumari Theatre), Pondy Bazar, T. Nagar, Chennai 600 017, wherein selling coffee, Tea and Snacks items and till such time not to disturb the running of the same.

WP No.20798 of 2014: Writ of Mandamus directing the 1st respondent to consider and pass orders on the petitioners representation dated 29.5.2015 for grant of license/permission for running of the petitioners bunk shop situated at Ritharton Road, 1st Street, Opposite to Seventh day Church Gate, Chennai 600 007, wherein selling Tea and food items and till such time not to disturb the running of the same.

WP No.22765 of 2015: Writ of Certiorarified Mandamus to call for the records pertaining to third respondent order/communication passed in Letter No. Zo.9 C.No.3906/2015, dated 29.06.2015 and quash the same and direct the second and third respondent to grant licence/permission to petitioner to run the bunk shop at New No.6, Old No.11, Harrington Road, Chetpet, Chennai-600 031.

WP No.16073 of 2015: Writ of Certiorarified Mandamus calling for the records relating to the order in R.C. No.169/A8/12 dated 28.05.2015 passed by the 1st Respondent and quash the same and direct 1st Respondent to grant licence / permission to the members of the Petitioner-Association for running the bunk shops on the road side margin at the Ambattur Industrial Estate, Chennai-58

WP No.24543 of 2015: Writ of Certiorarified Mandamus calling for the records relating to the proceedings of the 3rd respondent in Ma.A.5 Va.Thu. Na.Ka.No.R-1/7163/2015 dated 17.07.2015 and quash the same and direct to grant permission / licence for running of the petitioner bunk shop at Allikulam Link Road, Opposite to S.P.R. Travels, Chennai-3, for selling Tea and Coffee Items

WP No.15408 of 2011: Writ of Certiorarified Mandamus calling for the records bearing Z.O.VII/E4/2851/11 dated 09.05.2011 on the file of First respondent and quash the same and consequently direct the respondents not to remove the petitioners bunk shop situate at the Vacant Land adjacent to the platform near Shree Yoga Muneeswarar Temple, at West Cott Road, Royapettah, Chennai-14.

WP No.3245 of 2011: Writ: Writ of Mandamus directing the respondent not to disturb the peaceful possession and enjoyment of the petitioner permitted Aavin Milk product sales in Thamarai Thottam Police Quarters, kilpauk Region

WP No.11622 of 2010: Writ of Mandamus forbearing the respondents from evicting the petitioners bunk shop situate Backside of Vidyodhaya School, Habibullah Road, T.Nagar, Chennai-17 and further direct the 2nd respondent to grant licence to the petitioner bunk shop

WP No.11623 of 2010: Writ of Mandamus forbearing the respondents from evicting the petitioner bunk shop situate Opposite to Food Corporation of India No.124, Greams Road, Thousand Lights, Chennai-6 and further direct the 2nd respondent to grant licence to the petitioner bunk shop

WP No.11624 of 2010: Writ of Mandamus forbearing the respondents from evicting the petitioners bunk shop situate Natesan Park Backside, Kannadasan Salai, T.Nagar, Chennai-17 and further direct the 2nd respondent to grant licence to the petitioner bunk shop

WP No.11625 of 2010: Writ of Mandamus forbearing the respondents from evicting the petitioners bunk shop situate opposite to No.3, Haddows Road 2nd st, Near to Prestige, Thousand Lights, chennai 6 and further direct the 2nd respondent to grant licence to the petitioner bunk shop

WP No.11680 of 2010: Writ of Manadamus directing the second respondent to grant licence to the petitioner bunk shop situate at first Main Road platform, near Play Ground, Nandanam Extension, Chennai-35

WP No.17114 of 2010: Writ of Mandamus directing the respondents to remove the seal at Shop premises at Door No.42/36, Badrian Street, Chennai-1, and restore the articles such as weigh scale, plastic containers, chairs and other things to the petitioner forthwith

WP No.27052 of 2012: Writ of Mandamus directing the 2nd respondent to consider and pass orders on the petitioners representation dt 6.9.2012 in the light of the orders dt 21.12.2010 passed in W.P.No. 28789 of 2010 and till final decision is taken, not to disturb the running of the petitioners shop situated at Canal Park near Ambedkar Colony Lane, Wallace Garden 1 st Street, Chennai 6

WP No.26223 of 2012: Writ of Certiorarified Mandamus calling for the records and consequential order of the respondent in Z.O.V.C. No./3014/ 2012 dt 17.7.2012 and quash the same and further direct the respondent to place the petitioners representation before the appropriate committee constituted for issuing license or providing alternate places to the persons running bunk stalls at the edge of the pavement

WP No.16481 of 2012: Writ of Mandamus directing the 2nd Respondent to consider and pass orders on the Petitioner representation dated 11.01.2010 and 30.04.2012 in the light of the orders passed in W.P.No.28789 of 2010 dated 21.12.10 and till final decision is taken, not to disturb the running of the Petitioner Shop situated at Backside of Metro Water Tank, Opposite to Anna Statue, Lake Area, 1st Main Road, Chennai-34 by selling coffee, tea and allied food items

WP No.16483 of 2012: Writ of Mandamus directing the 2nd Respondent to consider and pass orders on the Petitioner representation dated 30.04.2012 in the light of the orders passed in W.P.No.28789 of 2010 dated 21.12.10 and till final decision is taken, not to disturb the running of the Petitioner Shop situated at Backside of Canal Park, Near Ambedkar Colony Lane, Wallace Garden 1st Street, Chennai-6 by selling coffee, tea and allied food items

WP No.18426 of 2012: Writ of Mandamus directing the 2nd Respondent to consider and pass orders on the Petitioner representation dated 27.6.2012 in the light of the order dt. 21.12.2010 passed in W.P.No.28789 of 2010 and till final decision is taken, not to disturb the running of the Petitioner shop situated Behind Annai Theresa Building, Lake Area Main Road, Opposite of BSNL, Chennai-34 by selling coffee, tea and allied food items

WP No.18427 of 2012: Writ of Mandamus directing the 2nd Respondent to consider and pass orders on the Petitioner representation dated 27.6.2012 in the light of the orders passed in W.P.No.28789 of 2010 dated 21.12.2010 and till final decision is taken, not to disturb the running of the Petitioner shop situated Opposite to Mannur Chengalvarayanaidu Higher Secondary School, Abibullah Salai, T.Nagar, Chennai-17 by selling coffee, tea and allied food items

WP No.18428 of 2012: Writ of Mandamus directing the 2nd Respondent to consider and pass orders on the Petitioner representation dated 27.6.2012 in the light of the order dt. 21.12.2010 passed in W.P.No.28789 of 2010 and till final decision is taken, not to disturb the running of the Petitioner shop situated at No.1, Opposite to Lake Area Main Road, Nungambakkam, Chennai-34 by selling coffee, tea and allied food items

For Petitioners :: Mr.S.Pushpakaran
in W.P.No.18677 of 2014
Mr.R.Kamaraj in W.P.No.14815 of 2013
Mr.L.Chandrakumar in W.P.No.12049 of 2013
in W.P.No.16073 of 2015
in W.P.No.24543 of 2015
in W.P.No.16481 and 16483 of 2012
in W.P.Nos.18426 to 18428 of 2012
Mr.C.K.Chandrasekhar in W.P.No.4962 of 2013
in W.P.No.3593 to 3597 of 2014
in W.P.No.3731 and 3732 of 2014
in W.P.No.26647 and 26648 of 2015

Mr.Ramanlal in W.P.No.8134 to 8139 and 8540 to 8545 of 2013
Mr.S.Doraisamy in W.P.No.15436 of 2013.
Mr.R.Kamaraj in W.P.No.2483 to 2485 of 2014
in W.P.No.2106 to 2109 of 2014
in W.P.No.30570 to 30573 of 2013
in W.P.No.24467 and 24468 of 2013
Mr.K.Lavan in W.P.No.11842 and 11843 of 2014
Ms.M.N.Sumathy in W.P.No.34930 of 2013
Mr.W.M.Abdul Majeed in W.P.No.34295 of 2013
in W.P.No.31756 of 2013

Mr.P.Magesh in W.P.No.25860 of 2013
Mr.T.S.N.Prabhakaran in W.P.No.26473 of 2013
Mr.N.Balaji in W.P.No.30763 of 2013
Ms.T.Muthamilselvi in W.P.No.20797 of 2015
and W.P.No.20798 of 2015
Mr.S.Pushpakaran in W.P.No.22765 of 2015
in W.P.No.11680 of 2010
Mr.S.Mohan in W.P.No.15408 of 2011
M/s.Yes We Associates in W.P.No.3245 of 2011
Mr.M.Kamalanathan in W.P.No.11622 of 2010 to 11625
of 2010
Mr.K.Shivakumar in W.P.No.17114 of 2010
Mr.M.Leon Raymont in W.P.No.27052 of 2012
Mr.S.K.Bose in W.P.No.26223 of 2012

For Respondents :: Mr.A.Nagarajan
Mr.T.C.Gopalakrishnan
Mr.R.Arunmozhi
Mr.G.Anantharanagan
Mr.P.V.Selvakumar
Dr.C.Ravichandran
Mr.K.Soundrarajan
Mr.V.C.Selvasekran
for Chennai Corporation

Mr.P.H.Arvind Pandyan
Additional Advocate General
assisted by S.T.S.Murthi
Government Pleader

Mr.V.R.Kamalanathan
Additional Government Pleader
Mr.V.Shanmugasundar -Government Advocate
for State Government

O R D E R

(Judgment of Court was made by The Honourable The Chief Justice)

Learned Additional Advocate General appearing for the respondents states that there is some confusion in communicating the order dated 28.08.2015 and as a result thereof, the Secretary to the Government Municipal Administration and Water Supply Department, Chennai, is not present in Court as having been directed by order dated 20.08.2015. However, learned Additional Advocate General submits that he has in the mean time, telephonically obtained instructions over the issues raised in that order.

2. It is stated by the learned Additional Advocate General that in view of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, a Town Vending Committee has

to be constituted and the Government is in the process of constituting the same, laying down all policies in this behalf. He further submits that this aspect is being monitored by the Second Bench of this Court and assures that the policy would be coming into force as early as possible.

3. We have noticed in our last order that the present petitions are really only concerned with 'Bunk Shops' and the grievance of the petitioners is that the individual cases are liable to be considered in terms of the provisions of the said Act. We hasten to add that it only implies a consideration and not an inherent right. Whether a bunk shop is to exist or not, if it is to exist, at what location or whether there is need for some other measures of rehabilitation by regulated vending through other methodology are the aspects the committee would have to examine.

4. The real grievance came from the decision of the Corporation which sought to rule out any consideration of the bunk shops, something which could not have been done in our view. The committee under the Act would have to look into these aspects to come to a conclusion specifically in view of the definition of Section 2(1) of the said Act, which defines 'street vendor' to include "a temporary built up structure". The plea of the petitioner is predicated on the fact that the bunk owners would thus necessarily have to be considered under the Provisions of the Said Act. To this extent, we are in agreement with the plea advanced on behalf of the petitioner.

5. In paragraph-5 of the order dated 28.05.2015, we had in fact made some suggestions which could be looked into and those aspects would be examined by the authorities, while framing the policy or by the Committee, as the case may be.

6. Since aforesaid is the only controversy raised, it is conceded that any action against the petitioner would necessarily have to await the decision of the constitution of the Committee, its policy and thereafter consideration by the Committee and thus there would have no threat in the mean time. This however does not mean give a license to persons to keep on setting up bunk shops and no protection would be available to such cases. We also make it clear that the existence in the mean time of the bunk shops already in place does not also mean that they will not comply with the norms applicable depending on the activity they are carrying on in the bunk shops - it cannot be a license to do what they please. When example of this keep any endeavour to sell goods which are prohibited or where eatables are involved and norms are not met and hygiene etc. In such situation also, the Corporation can take necessary action. In case of difficulty, liberty to move in W.P.No.4962 of 2013.

7. The petitioners are also not entitled to either increase the size of their bunk shops or to spread beyond the periphery of the bunk still their cases are considered.

8. The writ petitions stand accordingly disposed of. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

To

- 1.The State Commissioner for Differently Abled Persons, SRDC, Jawaharlal Nehru Inner Ring Road, K.K.Nagar, Chennai-78.
- 2.The Commissioner, Chennai Corporation, Rippon Buildings, Chennai 600 003.
- 3.The Commissioner of Police, Greater Chennai,Vepery, Chennai- 7.
4. The Secretary to Government, Government of Tamil Nadu Local Bodies Dept., Fort St. George, Chnnai 600 009.
5. The Secretary to Government Local Administration Dept., Fort St. George, Chennai 600 009.
6. The Law Officer, The Committee for Bank Shops, Corporation of Chennai, Chennai 600 003.
7. The Principal Secretary/Commissioner, Corporation of Chennai, Rippon Buildings, Chennai 600 003.
8. The Assistant Commissioner, Zone VIII, Corporation of Chennai, Kilpauk, Chennai-10
9. The State Commissioner for Differently Abled, O/o. State Commissioner for Differently Abled, No.15/1, Model School Road, Thousand Lights, Chennai 600 006.

- 9a. The Special Commissioner for Handicapped,
O/o. the State Commissioner for Disabled 15/1 Model School Road,
Thousand Lights, Chennai-6.
10. The Secretary to Tamil Nadu, Adi Dravida Welfare Dept.,
Fort St. George, Chennai 600 009.
11. The Assistant Director, Tamil Nadu Khadi Village,
Industries Board,
Guindy, Chennai 600 035.
12. The Assistant Commissioner, Corporation of Chennai Lake Area,
Valluvarkottam, Nungambakkam, Chennai 34.
13. The Director Corporation & Blacksmith unit,
Tamil Nadu Khadi & Village Industries Board,
Gunidy, Chennai 600 032.
14. The Assistant Engineer, New Zone-X Ward No.136 (Old Zone-VIII,
Ward 126) Corporation of Chennai, South Bough Road, T.Nagar Chennai-
17.
15. The Zonal Officer, Zonal Office V, Corporation of Chennai,
No.61, Bazin Bridge Salai, Chennai-21.
16. The Commissioner of Police, Egmore, Chennai-8.
17. The Assistant Commissioners, Zone-IX, Corporation of Chennai
No.1, Lake Area 4th Cross Street, Nungambakkam, Chennai 34.
18. The Estate Manager/Administrative Director, Tamil Nadu Small
Industries Development Ambattur Industrial Estate, Ambattur, Chennai-
58.
19. The Director, Chennai Auto Ancillary Industrial Infrastructure up
Gradation Company, Sidco, Ambattur, Industrial Estate, Ambattur,
Chennai-58.
20. The State Commissioner for Differently Abled, Allikulam Link
Road, app. to S.P.R. Travels, Chennai 600 003.
21. The Zonal Officer,
Zone-VII, Corporation of Chennai, Chennai 600 034.
22. Chennai Corporation, Health Department, Rippon Building, Chennai.
23. The Member Secretary, Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Salai, Egmore, Chennai 600 008.

24. The Assistant Commissioner of Police, Flower BAzaar Police Range, Chennai 600 001.

25. The Inspector of Police, Flower Bazaar Police Station, Chennai 600 001.

- + 3 ccs to Mr.S. Pushpakaran, Advocate Sr.47521
- + 1 cc to Mr.R. Ramanlaal, Advocate Sr.48339
- + 1 cc to Mr.S. Doraisamy, Advocate Sr.47817
- + 1 cc to Mr.C.K. Chandrasekaran, Advocate SR.47532
- + 1 cc to Mr.T.S.N.Prabhakaran, Advocate Sr.47711
- + 1 cc to M/s.R.Arunmozhi, Advocate SR.47713
- + 1 cc to Mr.R. Kamaraj, Advocate SR.47754
- + 1 cc to Mr.L. Chandrakumar, Advocate SR.47755
- + 1 cc to M/s. Yes Wee Associates, Advocate Sr.47731
- + 1 cc to Mr.S. Mohan, Advocate SR.47548
- + 1 cc to Mr.W.M. Abdul Majeed, Advocate Sr.47561
- + 1 cc to Dr.C. Ravichandran, Advocate Sr.47806
- + 1 cc to Mr.G. Anantharangan, Advocate SR.47530
- + 2 ccs to Mr.K. Lavan, Advocate Sr.50398 & 50399
- +2 ccs to Mrs.T.Muthamilselvi, Advocate, sr.47992 (08/10/2015)
- +1 cc to M/s.R.Vaigai, Anna Mathew, Advocate, sr.13407 (15/10/2015)

W.P. Nos.18677 of 2015 and Batch

PA (CO)
Eu 1.10.2015

सत्यमेव जयते
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