

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2015

CORAM :

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN, J

Writ Petition No.32781 of 2015 and
M.P.No.1 of 2015

G.Karthikeyan

.. Petitioner

vs.

1.The State of Commissioner of
Differently Abled,
Office of the State Commissioner for
Differently Abled,
No.15/1, Model School Road,
Thousand Lights,
Chennai - 600 006.

2.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai - 600 003.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus to forbear the respondents from evicting the petitioner's bunk shop situate at front side of Jayapradha Theatre, G.P.Road, Royapettah, Chennai - 600 002 and further direct the second respondent to grant licence to the petitioner bunk shop.

For Petitioner : Mr.D.Devaraj

For Respondents : Mr.P.V.Selvakumar

ORDER

The petitioner contends that he is having a Bunk Shop in front of Jayapradha Theatre, G.P.Road, Royapettah, Chennai - 600 002 and he is running the said Bunk Shop for the past one year. The grievance of the petitioner is that the second respondent is trying to evict the petitioner from running the said Bunk Shop, without giving any opportunity. Therefore, the petitioner has come up before this Court with this writ petition seeking to forbear the respondents from evicting the petitioner's bunk shop situate at front side of Jayapradha Theatre and further direct the second respondent to grant licence to the petitioner bunk shop.

2.Heard Mr.P.V.Selvakumar, learned counsel for the petitioner and Mr.P.V.Selvakumar, learned counsel for the respondents.

3.The learned counsel for the petitioner is unable to produce any proof to show that he is running the said bunk shop for the past one year and it is represented by the learned counsel for the respondents that no such Bunk Shop has been found in the said place. Moreover, the Bunk Shop cannot be located without permission from the Corporation of Chennai.

4.The learned counsel for the respondents would further submit that without bunk shop, in any location, the parties are approaching this Court with false plea that they are running bunk shop and they also seek for a direction to the respondents concerned to forbear the concerned respondent from evicting the bunk shop and also sought for further direction to the respondent to grant licence to them. After getting orders from this Court, they are trying to erect bunk shop.

5.The said contention of the learned counsel for the respondents is sustainable as this Court has witnessed a number of similar cases being filed before this Court. Some times, without knowing the reality, this Court also grants orders in favour of such persons. In Chennai city, there is heavy traffic. Because of bunk shops in the pavements, the pedestrians are undergoing more difficulties. This kind of act should be viewed seriously as it involves public interest.

6.In view of all the above, the writ petition fails and accordingly, the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

jbm

To

1.The State of Commissioner of
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Office of the State Commissioner for
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Thousand Lights, Chennai - 600 006.

2.The Commissioner,
Corporation of Chennai,
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+1 cc to Mr.P.U.Selvakumar, Advocate, sr.56514