

IN THE HIGH COURT OF JUDICATURE AT MADRAS

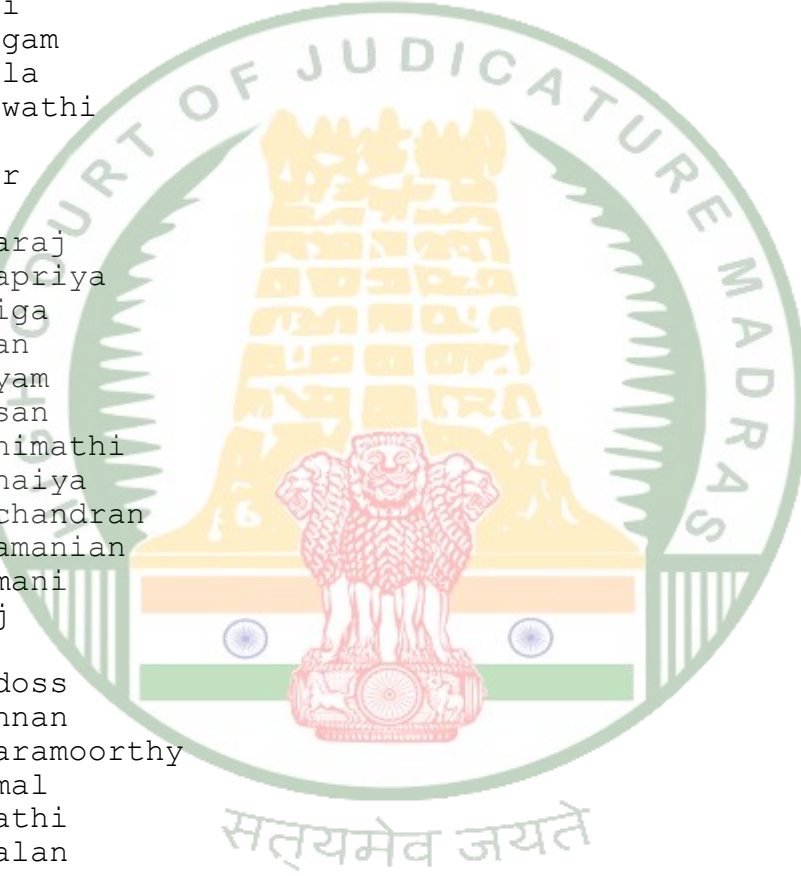
DATED : 06.11.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.36124, 36125 of 2015 & MP.Nos.1 to 1, 2 to 2 of 2015

1. C.Palani
2. M.Krishnaveni
3. N.Mangai
4. P.Arumugam
5. S.Suseela
6. P.Saraswathi
7. Balaji
8. P.Sankar
9. Manobai
10. Govindaraj
11. R.Padmapriya
12. C.Malliga
13. T.Kannan
14. R.Bashyam
15. R.Ganesan
16. K.Gandhimathi
17. A.Chinnaiya
18. N.Ramachandran
19. M.Subramanian
20. Alaiyamani
21. Paulraj
22. R.Kala
23. M.Ramadoss
24. R.Krishnan
25. R.Sundaramoorthy
26. N.Perumal
27. Padmavathi
28. S.Dhayalan
29. B.Seetha
30. Roopavathi Ammal
31. S.Muthu
32. Alaiyammal
33. V.Kumari
34. N.Mohan
35. N.Rajesh
36. C.Kamala



WEB COPY

37.L.Prabu
38.S.Santhi
39.N.Kasthuri
40.S.Saraswathy
41.K.Yuvaraj
42.Amsa
43.R.Johnson
44.G.Kuppusamy
45.P.Ezhumalai
46.S.Vasu
47.S.Selvasundari
48.Sivagami
49.P.Soundarrajan
50.P.Sundara Ganesan
51.V.Anandhi
52.N.Hari Krishnan
53.P.Ravi
54.E.Nalini
55.G.Siva
56.Gaja
57.R.Santhi
58.C.Arumugam
59.N.Raji
60.M.Anandhan
61.K.Sreenivasan
62.Moovendhan @ Muthu
63.S.Easwaran
64.K.Krishnaveni
65.V.Srinivasulu
66.L.Sekar
67.R.Saraswathi
68.S.Kumar
69.R.Shanmugam
70.M.Thiripurasundari
71.R.Devi

.. Petitioners
in WP.36124/15

1. A.R.Murugesan
2. M.Lakshmi
3. M.Sathiyavani
4. R.Sasikumar
5. B.Krishnan
6. L.R.Kumar @ Ramakrishnan
7. A.Durai

8. K.M.Selvam
9. Sivapoosanam
10.E.Shenbagam
11.S.Kannamma
12.K.Veeramani
13.M.Ravichandran
14.Yasodha

.. Petitioners
in WP.36125/15

Vs

1 The Chairman,
Implementation Committee,
Corporation of Chennai, Chennai.

2 The Zonal Officer,
Zonal Division No.10, No.117, N.S.K. Salai,
Kodambakkam, Chennai-24.

.. Respondents
in both WPs

Common Prayer : Writ petitions filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorari, calling for the records from the file of the 1st respondents order in Proceedings No.H.Z.I.C.C.No.101/2015 dated 27.7.2015 and quash the same.

For Petitioners : Mr.V.Ragavachari
in both WPs for M/s.B.S.G. Firm

For Respondents : Mr.P.V.Selvakumar
in both WPs

COMMON ORDER

Heard Mr.V.Raghavachari, learned counsel appearing for the petitioners in the above writ petitions and Mr.P.V.Selvakumar, learned Standing Counsel accepting notice for the respondents and with their consent, the writ petitions are taken up for final disposal.

2 The petitioners are all traders who have been allotted shops in the Pandy Bazaar Market complex. It appears that there were certain violations committed by the petitioners and the Corporation of Chennai issued a show cause notice on 09.05.2015, calling upon them to remedy the breach. The allegation was that

persons who have got allotment in the ground floor, were dealing in perishable goods. The case of the respondent/Corporation is that in spite of of the said notice, there was no improvement and the petitioners did not remedy the breach. In certain shops, no business were carried on for a very long time though the allotment was made. These allotments were cancelled by the communication dated 25.05.2015. Once again, by another communication dated 25.05.2015, the Zonal Officer-X, was directed to issue an order directing the Hawkers whose shop numbers have been given in the order of the Honourable Committee dated 27.07.2015 dealing with different kind of trade to comply with the original order of allotment within ten days from the service of the notice. Some of the petitioners / Hawkers have refused to receive the notice and therefore, the authorities affixed the said notice, granting seven days time. The respondent/Corporation stated that in spite of the notice, they did not remedy the breach and continued to deal with the same articles. A second inspection was made on 22.06.2015 and further time of ten days was granted and the said period expired on 03.07.2015. Thus, the Corporation of Chennai stated that in spite of sufficient opportunity having been granted to the petitioners, they have not rectified the defects pointed out and certain petitioners were adamant and refused to receive even the show cause notice. Considering all these aspects, the Committee, left with no other option, has cancelled the allotment. The petitioners now seek to challenge the order passed by the Honourable Committee dated 27.07.2015.

3 On a perusal of the impugned order and the findings rendered by the Honourable Committee, this Court is not inclined to quash the order. If in the order of allotment, the petitioners have been directed to carry on a particular trade, they are bound by the order of allotment. Therefore, they have to first undertake before the authorities that they will comply with the conditions stated in the order of allotment. Without that, no indulgence can be granted to the petitioners. That apart, it has been stated by the Corporation of Chennai that some of them even refused to receive the show cause notices. If that is the case, then the conduct of the allottees has to be deprecated.

4 In any event, the petitioners, being small hawkers and vendors, this Court is inclined to grant them one more opportunity by approaching the Honourable Committee and give a solemn undertaking that they will abide by the terms of allotment. If such representation is given within the time

permitted by this Court, the Honourable Committee may consider the same and proceed in accordance with law.

5 The petitioners are directed to submit representations in this regard within a period of ten days from the date of receipt of a copy of this order and the Honourable Committee may consider the same and pass appropriate orders in accordance with law. Till the representations are considered and orders are passed by the Honourable Committee, the status quo which is prevailing as on today, shall be maintained.

6 The writ petitions are disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

True Copy

Sub Assistant Registrar

To

- 1 The Chairman,
Implementation Committee,
Corporation of Chennai, Chennai.
- 2 The Zonal Officer,
Zonal Division No.10, No.117, N.S.K. Salai,
Kodambakkam, Chennai-24.

+4cc to M/S.B.S.G.Firm, Advocate Sr.61523,61524

+2cc to Mr.P.V.Selvakumar, Advocate Sr.61332,61333

WP.No.36124, 36125 of 2015

rsi[co]
srg 20/11/2015

WEB COPY