

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2015

CORAM

THE HON'BLE Mr. JUSTICE SATISH K.AGNIHOTRI
and
THE HON'BLE Mr. JUSTICE M.VENUGOPAL

W.P.No.9452 of 2015
and
M.P.Nos.1 and 2 of 2015

Chennai Managar Desiya Siru Viyabarigal
Sangam rep. By its President
S.Mani .. Petitioner

Vs.

1.The Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai - 3.

2.The Asst. Commissioner, Zone V,
Corporation of Chennai,
105, Basin Bridge Road,
Chennai - 79.

3.The Commissioner of Police,
Egmore, Chennai - 8.

4.The Chairman,
Implementation Committee,
No.7/6, 3rd Cross Street,
R.A.Puram, Chennai - 28.

.. Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the respondents 1 to 3 to implement the order dated 27.02.2014 of the fourth respondent Chairman, Hawking Zone Committee to accommodate the 87 (81 + 6) members including the 6 members for whom draw of lots have not been conducted, of the petitioner Sangam as per Annexure I and II to the writ petition in the place earmarked for the petitioner Sangam from Kuralagam to C1, Flower Bazaar Police Station.

For Petitioner	..	Mr.R.Syed Mustafa
For Respondents	..	Mr.R.Arunmozhi for R1 & R2
		Mr.P.S.Sivashanmugha Sundaram,
		Spl. Govt. Pleader for R3
		Mr.Master Ganesh Ramachandran
		for R4

ORDER

(Order of the Court was made by SATISH K.AGNIHOTRI, J.)

The petitioner is an Association of Hawkers. The petitioner Association has come up with this petition, seeking a direction to respondents 1 to 3 to implement the order dated 27.02.2014 passed by the fourth respondent - Chairman, Hawking Zone Committee.

2. Pursuant to the notice issued by this Court, the second respondent Corporation has filed the additional counter affidavit dated 20.04.2015, stating as under:

"4. I further submit that the list of 120 persons have been forwarded to the Chairman, Hawking Committee to consider for allotment. Accordingly lots have been drawn on 27.03.2007 and 30.05.2007 by the Hawking Committee and the hawkers numbering 114 members only attended the lots drawn by documentary evidence of identity and all the 114 members have been allotted.

5. I submit that balance of six persons have not appeared for the lots drawn on 27.03.2007 and 30.05.2007 and have not produced the documents evidence to prove their identity.

6. I submit that the allotted 114 members are doing their business in the allotted space in N.S.C. Bose Road. I further submit that the respondents are taking frequent action to remove the encroachments made by the parking vehicles."

3. In response to the said additional counter affidavit, the petitioner Association has filed the rejoinder dated 08.06.2015 stating that the left out six persons are ready to provide necessary documents/evidence as required by the first and second respondents, with a request to consider their case by conducting draw of lots and to allot the shops appropriately.

4. In that view of the matter, we are of the considered view that the dispute has been narrowed down to consideration of the left out six persons, who could not be considered at the time of allotment of shops, on account of non-submission of relevant documents. Accordingly, the left out six persons, who happened to be the members of the petitioner Association, are directed to produce all the relevant documents before the authorities concerned, so that necessary steps can be taken to conduct draw of lots and appropriate shops could be allotted, as allotted to other members of the Sangam, within a period of six weeks from the date of receipt of a copy of this order. In case of other candidates also, if applications are made along with necessary documents, the authorities shall consider the same in accordance with law and on merits. The writ

petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mmi
To

1.The Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai - 3.

2.The Asst. Commissioner, Zone V,
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105, Basin Bridge Road,
Chennai - 79.

3.The Commissioner of Police,
Egmore, Chennai - 8.

4.The Chairman,
Implementation Committee,
No.7/6, 3rd Cross Street,
R.A.Puram, Chennai - 28.

+1cc to Mr.R. Arunmozhi, Advocate, S.R.No.28744
+2ccs to Mr.R. Syed Mustafa, Advocate, S.R.No.28383
+1cc to the Government Pleader, S.R.No.28451

RV(CO)
EU(16/06/2015)

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