

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2016

CORAM

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

W.P. No.4291 of 2016
and
W.M.P.No.3640 of 2016

Jeyamuthu

... Petitioner

Vs.

1. The Commissioner,
Corporation of Chennai,
Ripon Buildings, Chennai - 3.
2. The Zonal Officer,
Zone 7, Corporation of Chennai,
Chennai - 5.
3. Assistant Executive Engineer,
Zone 7, Ward,
Thiruvallikeni, Chennai - 5.

... Respondents

Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of mandamus directing the respondents to consider the letter H.Z.I.C.C. No.138/2015 dated 14.10.2015 of the Chairman, Hawking Zone Implementation Committee (Committee constituted by Hon'ble High Court of Madras) along with petitioner's representations made on various dates ending with 11.11.2015 to the respondent authorities for grant of appropriate authorisation/order to continue and run the bunk shop kiosk at the vacant space in Bharathi Salai, adjacent to Victoria Students' Hostel, opposite to Kasthuribai General Hospital, Triplicane, Chennai.

For Petitioner : Mr.K.S.Narayanan

For Respondents : Mr.R.Arunmozhi for R1
P.S.Sivashanmugha Sundaram,
Special Government Pleader
for R2 to R4

ORDER

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

With the consent of the learned counsel appearing for the parties, the writ petition is taken up for final disposal.

2.This writ petition is filed, seeking a direction to the respondents to consider the letter of the Chairman, Hawking Zone Implementation Committee dated 14 October 2015 along with petitioner's representations made on various dates ending with 11.11.2015 to the respondent authorities for grant of appropriate authorisation/order to continue and run the bunk shop kiosk at the vacant space in Bharathi Salai, adjacent to Victoria Students' Hostel, opposite to Kasthuribai General Hospital, Triplicane, Chennai.

3.The case of the petitioner is that he had made a representation to the Chairman, Hawking Zone Implementation Committee. Taking note of the said representation, the Chairman, by communication dated 14 October 2015, has informed the Zonal Officer - 9, Corporation of Chennai that there is a bunk shop near Kasthuribai Hospital in Triplicane, serving coffee and tea and directed to submit a report.

4.In that view of the matter, we are not inclined to pass any order at this stage except directing the Zonal Officer 9, Corporation of Chennai to submit a report to the Chairman, Hawking Zone Implementation Committee, as directed earlier and to take appropriate decision. The issue of hawking and bunk shops has come into consideration before a Division Bench of this Court, wherein one of us (Satish K.Agnihotri, J.) was a member in B.Noor Ahmed Vs. State of Tamil Nadu rep. by Secretary¹ and it is needless to state that necessary action be taken in accordance with the observations and directions made by this Court in B.Noor Ahmed's case (supra).

5.With the aforesaid observation, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mmi

To

1. The Commissioner,
Corporation of Chennai,
Ripon Buildings, Chennai - 3.
2. The Zonal Officer,
Zone 7, Corporation of Chennai,
Chennai - 5.
3. The Assistant Executive Engineer,
Zone 7, Ward,
Thiruvallikeni, Chennai - 5.
4. The Zonal Officer - 9,
Corporation of Chennai,
Chennai.

+1cc to Mr.R.Arunmozhi, Advocate, S.R.No.9699
+1cc to Mr.K.S.Narayanan, Advocate, S.R.No.9890

W.P.No.4291 of 2016

CTK(CO)
CA(26/02/2016)



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