

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2017

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.9006 of 2017

S.Kannan

.. Petitioner

Vs

1.The Commissioner of Police,
Vepery, Chennai-600 007.

2.The Deputy Commissioner of Police,
Traffic Police (East),
Anna Salai Police Station,
Anna Salai, Chennai-600 002.

3.The Inspector of Police,
F2 Traffic Police Station,
Egmore, Chennai-600 008.

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus forbearing the respondents, their officials, agents from in any manner interfering with the running of the bunk shop by the petitioner in front of New India Assurance Company Limited at No.6, Casa Major Road, Egmore, Chennai-600008.

For Petitioner : Mr.S.Ramachandran

For Respondents : Mr.K.Balamurugan,
Government Advocate

ORDER

This writ petition has been filed for a direction forbearing the respondents from in any manner interfering with the running of the bunk shop of the petitioner which is situated in front of New India Assurance Company Limited at No.6, Casa Major Road, Egmore, Chennai.

2.It is stated by the petitioner that he is a visually handicapped person with an eye sight of 85%. Presently, he is running a tea stall in a bunk shop at No.6, New India Assurance Company Limited, Casa Major Road, Egmore, Chennai. It is also stated that earlier, he was running a tea shop in a bunk at

Montieth Road, Egmore, Chennai for more than seven years; while so, the officials of the Corporation of Chennai used to come to the bunk shop and disturbed the petitioner in running the tea shop, on the ground that there were objections from the persons residing in that locality, and consequently the petitioner was evicted. The petitioner gave a representation to the Commissioner of Corporation of Chennai on 29.01.2017 to provide a bunk to run the tea stall. Since there was no response, the petitioner filed a writ petition before this Court in W.P.No.4525 of 2017 and in that writ petition, this Court directed the concerned authorities to consider the representation of the petitioner. Accordingly, the representation of the petitioner was considered and a letter dated 30.03.2017 was received by the petitioner from the DRO/Zonal Officer, Zonal Office-5, Greater Chennai Corporation, Chennai-21 wherein it is stated that inspection of the bunk at Montieth Road, Egmore, Chennai was carried out on the objections received from the residents of that locality, and the petitioner was evicted, but however, the petitioner's request to have the bunk in front of New India Assurance Company Limited at No.6, Casa Major Road, Egmore, Chennai is under consideration by the Vending Committee. It is also stated by the petitioner that the third respondent, is often coming to the present place where the petitioner is running his tea shop and threatening him to close the shop. Since the petitioner is unable to run the shop because of frequent disturbances, the present writ petition is filed.

3.The learned Government Advocate appearing for the respondents submitted that the request of the petitioner to have the bunk shop at the new place, ie., in front of M/s.New India Assurance Company Limited, No.6, Casa Major Road, Egmore, Chennai, is under consideration by the Vending Committee of the Corporation of Chennai and hence the petitioner has to approach the said Committee for appropriate remedy.

4.Heard both sides.

5.The petitioner's tea shop in a bunk at Montieth Road, Egmore, Chennai, was closed by the Corporation of Chennai, on the ground that there were objections by the residents of that locality. Now the petitioner states that he is running a tea stall in a bunk shop at No.6, New India Assurance Company Limited, Casa Major Road, Egmore, Chennai and he wants to continue the said shop, the issue which is pending with the Vending Committee of the Corporation of Chennai. Hence, the petitioner is directed to approach the Vending Committee of the Corporation of Chennai, which has been constituted to look into matters relating to allotment of bunk shops and other related issues, for appropriate remedy.

6.With this observation, the writ petition is disposed of.
No costs.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

arr/KM

To

- 1.The Commissioner of Police,
Vepery, Chennai-600 007.
- 2.The Deputy Commissioner of Police,
Traffic Police (East),
Anna Salai Police Station,
Anna Salai, Chennai-600 002.
- 3.The Inspector of Police,
F2 Traffic Police Station,
Egmore, Chennai-600 008.
- 4.The Public Prosecutor,
Madras High Court,
Chennai-600 104.

+1cc to Government Pleader sr.36579

W.P.No.9006 of 2017

ks(co)
ss(19/5/2017)

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