

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.10.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.16209 of 2017

& W.M.P.No.17515 of 2017

R.Ravi

...Petitioner

Vs

The Commissioner,
Greater Corporation of Chennai,
Ripon Building, Chennai - 600 003 Respondents

Prayer : Writ petition is filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to forbear the respondent from dispossessing the petitioner from the property situated at No.339-A, Rattan Bazar, Edapalayam, Chennai - 600003 without following due process of law.

For Petitioner : Mr.K.Elangoo

For Respondent : Mr.P.V.Selvakumar,
for Corporation

O R D E R

The petitioner has come forward with this petition to forbear the respondent from dispossessing the petitioner from the property situated at No.339-A, Rattan Bazar, Edapalayam, Chennai - 600003 without following due process of law.

2. The case of the petitioner is that he is running an eatery shop in the above said property ad-measuring 17 x 6 feet from the year 1996. Already, there is a public toilet adjacent to the above said premises. According to the petitioner, he has been making several representations to allot the shop and based on the assessed lease rent of the property, he has been paying the rent till date. According to the petitioner, without any communication about the cancellation of self assessment scheme, his property tax bill has been cancelled. According to the petitioner, there are several shops, numbering 169 allotted to the beneficiaries, who are in possession of such properties and



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they have encroached the road. Unfortunately, the petitioner has been singled out and they are trying to dispossess him. The petitioner has stated that in terms of the Tamil Nadu Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme and Rules, the respondent ought to have issued license to him to protect the rights of Urban Street Vendors. The petitioner has stated that the only source of livelihood is his shop and if he is dispossessed, it would violate the Article 21 of the Constitution of India. According to the petitioner, he is continuing in the place from the year 1996.

3. The respondent has filed a counter stating that he has never allotted shop No.339-A and the said land is used only for public toilet. In 2014, the petitioner started to create property tax bill on his own by self assessment scheme. It is stated that as per the self assessment scheme, the applicant can upload the details and get himself the assessment order and the bill number, and that way only, the petitioner has got bill No.5-059-07281-000. As the property tax self assessment scheme is cancelled, the petitioner's bill also was cancelled on 06.10.2017.

4. Heard both sides and perused the materials available on record.

5. It is not in dispute that the petitioner is running an eatery shop, which was never allotted by the Corporation, as the same is allotted only for public toilet. The petitioner has also stated that his eatery shop is not in the entire area of public toilet and a portion of public toilet is used for his shop. As the petitioner is an encroacher in respect of the said portion and that the bills of property tax is based on the self assessment scheme, which was also cancelled with effect from 06.10.2017, insofar as the petitioner is concerned, the petitioner has no right to have any stall much less eatery stall in public place by encroaching part of the public toilet. The grievance of the petitioner is that there are other encroachers, who have encroached the Government land and continued to run the business beyond the specified area allotted to them. They are not before this Court and the grievance of the petitioner is not that the others in the Ratan Bazar are running business beyond the specified area allotted to them and encroached the land of the Corporation. At this stage, the learned counsel for the Corporation has submitted that steps are being taken to ensure that no person has a shop extended over and above the area that has been allotted to them. If there is any encroachment beyond the allotted area, the Corporation and its authorities shall take necessary steps to remove the same, failing which, the allotment itself shall stand cancelled.

6. The above statement of the learned counsel for the



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respondent is recorded and the relief sought for by the petitioner cannot be granted. Hence, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed. The respondent shall issue notice to the other shop owners, who have encroached the road margin, within 7 days from the date of receipt of a copy of this Order and the submission of the Corporation of the said statement is already recorded.

-sd/-

Assistant Registrar

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Sub-Assistant Registrar

pvs

To

The Commissioner,
Greater Corporation of Chennai,
Ripon Building, Chennai - 600 003.

copy to

The Eclitor press
High court, Madras

1 cc to Mr.Elango Advocatae SR.NO. 75607

1 cc to M/S.T.C.GOPALAKRISHNAN Advocate SR.NO. 75838

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mg[co]
RD 21/11/2017

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