

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2017

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE M.SUNDAR

W.P. Nos.35785 to 35790 of 2015
and M.P.Nos.1 and 1 of 2015

C.Ramachandran .. Petitioner in WP.35785/2015
D.Bavani .. Petitioner in WP.35786/2015
G.Pushpa .. Petitioner in WP.35787/2015
R.Rajendran .. Petitioner in WP.35788/2015
S.Sagayam .. Petitioner in WP.35789/2015
A.Moorthy .. Petitioner in WP.35790/2015

-vs-

- 1.The State Commissioner for
Differently Abled, O/o.State
Commissioner for Differently Abled,
J.N.Ring Road, Chennai 600 078.
- 2.The Secretary to Government
Local Administration Department,
Govt. of Tamilnadu, Fort St. George,
Chennai 600 009.
- 3.The Commissioner,
Corporation of Chennai, Ripon
Buildings, Chennai 600 003. .. Respondents 1 to 3 in all
- The Commissioner Avadi Municipality
Thiirvallur District Chennai-54.

..3rd Respondent in WP.35787/15

- 4.Khaleeli Centre Association,
Rep. By its Honorary Secretary,
U.Mohamed Rafi.
(R-4 impleaded as per order of Court
dt.24.01.2017 in WMP.33588 of 2016)
.. 4th respondent in WP.No.
35790 of 2015

Petitions filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to forbear the 3rd respondent, their officials, servants from in any manner interfering with the running of the petitioners' bunk shops at - No.149, Montieth Road, near Alsamall, Egmore, Chennai 600 008, wherein selling Sandwich items (WP.35785/2015); Golden Church Nagar, Church Road, Mogappair, Chennai 600 037, wherein selling Tea, Coffee Snacks and Cool Drinks items (WP.35786/2015); Opp. To Siva Sweets & Bakery, CTH Road, Avadi, Chennai 600 054, wherein selling Tea, Coffee, Snacks and Cool Drinks items (WP.35787/2015); No.134, A.P.Road, Opp. To Chennai Middle School, Choolai, Chennai 600 112, wherein selling Tea, Coffee and Food items (WP.35788/2015); Opp. To Palmgrow Hotel, Cathedral Garden Road, Chennai 600 034, wherein selling Tea, Coffee, Snacks and Cool Drinks Items (WP.35789/2015); and No.149, Montieth Road, Near Alsa Mall, Egmore, Chennai 600 008, wherein selling sandwich and snacks items (WP.35790/2015).

For Petitioners : Mr.R.Kamaraj

For Respondents : Mrs.Vasudha Thiyagarajan
Addl.G.P. for RR 1 and 2

: Mr.R.Arunmozhi for R-3

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioners claim protection for their bunk shops, but the counter-affidavit of the respondent Corporation suggests that the bunk shops were erected on the road margin / foot path margin and were causing hindrance to the free flow of pedestrian walk, especially as it is situated near his busiest place and other commercial establishments.

2.We may note the grievance of a Complex Association, in front of which a bunk shop has been made by the petitioner in W.P.No.35790 of 2015, that the bunk shop is obstructing the entrance to the complex and the said petitioner has set up four bunk shops and not one. Needless to say, the said petitioner can be entitled to only one bunk shop.

3.We direct the association to be impleaded as the fourth respondent in W.P.No.35790 of 2016, as per the request made in W.M.P.No.33588 of 2016, which stands allowed.

4.In view of the constitution of the Town Vending Committee vide G.O. (4D) No.5, Municipal Administration and Water Supply (M.C.I) Department, dated 05.10.2016 and the proceedings of the

Commissioner of Corporation in RDC.No.007/2016, dated 1.11.2016, it is now for the petitioners to approach the Town Vending Committee for redressal of their grievance.

5.Writ Petitions, accordingly, stand disposed of. No costs. Consequently, connected miscellaneous petitions stand closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

sra

To

1.The State Commissioner for
Differently Abled, O/o.State
Commissioner for Differently Abled,
J.N.Ring Road, Chennai 600 078.

2.The Secretary to Government
Local Administration Department,
Govt. of Tamilnadu, Fort St. George,
Chennai 600 009.

3.The Commissioner,
Corporation of Chennai, Ripon
Buildings, Chennai 600 003.

4.The Commissioner Avadi Municipality
Thiirvallur District Chennai-54.

+1cc to M/s. R. Kanaraj, Advocate, S.R.No.4657
+1cc to M/s. R. Arunmozhi, Advocate, S.R.No.4441
+1cc to the Government Pleader, S.R.No.4560

CNR(CO)
EU 22.2.17

W.P.Nos.35785 to 35790
of 2015