



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

WP.No.6494 of 2014

1. K.K.Gopinath
2. Mohd. Ansari

...Petitioners

Vs.

1.The Corporation of Chennai
Rep. by its Commissioner,
Rippon Buildings,
Poonamallee High Road,
Chennai.

2. Lingan

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the 1st respondent to remove the bunk shop run at the corner junction of Haddows Road and Haddows 1st Street, Chennai 600 006 forthwith.

For Petitioners	:	Mr.A.R.Karunakaran
For Respondents	:	Mr.S.Saravanan, for R1 Mr.R.Ramanlaal, for R2

ORDER

Heard the learned counsel for the petitioners, learned Standing Counsel for the first respondent and the learned counsel for the second respondent and perused the materials available on record.

2. This writ petition has been filed for issuance of a direction to the first respondent to remove the bunk shop running at the corner junction of Haddows Road, 1st Street, Chennai, by the second respondent within a time frame.



3. The petitioners would state that they are residing at new No.41 & 42, at Haddows Road, Chennai and in their place, the second respondent is running a business for the past several decades. While so, the second respondent, all of a sudden, had put up a bunk shop on the pavement near their premises and selling food articles, cigarettes, tea etc. The petitioners would further state that the second respondent did not comply with the safety regulations and running the shop without obtaining licence from the first respondent. Hence, the petitioners submitted a representation to the first respondent to remove the said bunk shop. Since no action was taken, the present writ petition.

4. The learned counsel for the petitioners would submit that in the writ petition filed by the second respondent herein in W.P.No.3734 of 2012, this Court directed him to approach the authorities for getting licence while granting interim protection, but so far he has not submitted any representation and he has been running the business without licence.

5. It is further contended that the second respondent herein also filed another writ petition W.P.No.25976 of 2014 for issuance of a writ of mandamus to forbear the second respondent therein from interfering with his shop situated at Haddows Road at Chennai-6 and the writ petition was disposed of by a Division Bench of this Court, dated 17.11.2016, with an observation that the petitioner has to approach the Vending Committee for obtaining licence.

6. It is the submission of the learned Standing Counsel for the first respondent that subsequent to the order of the Division Bench of this Court dated 17.11.2016, the petitioner has not submitted any application.

7. Mr.R.Ramanlal, learned counsel for the second respondent contended that the petitioner submitted a representation dated 09.03.2012, pursuant to the order of this Court, dated 17.02.2012 in W.P.No.3734 of 2012, which was not considered by the first respondent.

8. I am not inclined to accept the submission of the learned counsel for the second respondent for the reason that after enactment of the Street Vendors Protection Act 2014, the Vending Committee is the competent authority to issue licence. However, despite the order of the Division Bench in W.P.No.25976 of 2014, directing the petitioner therein / second respondent herein, to approach the Vending Committee for obtaining licence, the second respondent has not approached the Vending Committee so far, but he is running the bunk shop without licence. According to the learned counsel for the petitioners, it causes nuisance.



9. In the light of the above facts, this Court is of the opinion that the petitioners are entitled to succeed in the writ petition. The second respondent is given time till 31.08.2018 to remove the bunk, failing which, the first respondent shall remove the same forthwith. Accordingly, the writ petition is ordered. No costs.

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

pvs

To
The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Poonamallee High Road,
Chennai.

+1cc to Mr.S.SARAVANAN, Advocate, S.R.No. 52983
+1cc to Mr.R.RAMANLAAL, Advocate, S.R.No.52707
+2cc to Mr.A.R.KARUNAKARAN, Advocate, S.R.No. 53922

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SVN(CO)
TR(24/08/2018)