

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2018

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN
AND
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P. No. 6474 of 2018

R. Dakshanamurthy

..Petitioner

Vs.

1. State of Tamil Nadu,
rep. by its Secretary,
Adi Dravida Welfare Department,
Fort St. George,
Chennai - 600 009.
2. Tamil Nadu Khadi Village
Industries Board,
rep. by its Assistant Director,
Guindy, Chennai - 35.
3. The Commissioner,
Corporation of Chennai,
Chennai - 600 003.

..Respondents

Prayer: Petition under Article 226 of the Constitution of India
praying for issue of a Writ of Mandamus directing the
respondents to allot shop to the petitioner at Corporation's
Hawkers Business Complex, Pondy Bazar, Chennai - 17, Ward - 136,
Div - 30, Zone - 10 or in the nearby area.

For Petitioner :: Ms.S. Meenakshi

For Respondents:: Mr.R. Udhayakumar

Addl. Govt. Pleader for R1 & R2

Mr.K. Soundararajan for R3

O R D E R

(Order of the Court was made by N. KIRUBAKARAN,J.)

This writ petition is filed for issue of a Writ of
Mandamus directing the respondents to allot shop to the
petitioner at Corporation's Hawkers Business Complex, Pondy
Bazar, Chennai - 17, Ward - 136, Div - 30, Zone - 10 or in the
nearby area.

2. The petitioner claims that he is having a bunk shop at No.88, T. Nagar, Pondy Bazaar, Chennai - 17 as per the licence granted by the Tamil Nadu Khadi and Village Industries Board and he is a cobbler. However, on 06.11.2013, he was forcibly evicted by the 3rd respondent and therefore, the petitioner filed W.P. No. 34930/2013, which was clubbed along with the writ petitions filed by other affected persons in W.P. NO. 18677 of 2014 etc and the writ petitions were disposed of on 03.09.2015 by the First Bench of this Court. Paragraph No.6 of the order reads as follows:

"6. Since aforesaid is the only controversy raised, it is conceded that any action against the petitioner would necessarily have to await the decision of the constitution of the Committee, its policy and thereafter consideration by the Committee and thus there would have no threat in the mean time. This, however, does not mean give a license to persons to keep on setting up bunk shops and no protection would be available to such cases. We also make it clear that the existence in the mean time of the bunk shops already in place does not mean that they will not comply with the norms applicable depending on the activity they are carrying on in the bunk shops - it cannot be a license to do what they please. When example of this keep any endeavour to sell goods which are prohibited or where eatables are involved and norms are not met and hygiene etc. in such situation also, the Corporation can take necessary action. In case of difficulty, liberty to move in W.P.No. 4962 of 2013."

Thereafter, the petitioner approached the authorities for permission to reconstruct his bunk shop and to run the same, by giving a representation on 07.09.2016 for which the petitioner received the reply on 26.09.2016. Even thereafter, nothing has been heard of from the respondents, which compelled the petitioner to approach this Court with this writ petition for the relief aforesaid.

3. Heard Mrs.S.Meenakshi, learned counsel for the petitioner and Mr.R. Udhayakumar, learned Additional Government Pleader appearing for respondents 1 & 2 and Mr.K. Soundararajan, learned counsel for the 3rd respondent.

4. Taking into consideration, the fact that the petitioner was already granted licence by the Tamil Nadu Khadi and Village Industries Board to run a cobbler shop and he belongs to downtrodden community, the Town Vending Committee is directed to consider the claim of the petitioner, considering his status and

also the earlier licence granted by the Tamil Nadu Khadi and Village Industries board, at the time of granting allotment to others. While considering the petitioner's claim, the order dated 25.07.2018 issued by the Zonal Officer, Zone-10, Greater Chennai Corporation, need not be taken into consideration.

5. The writ petition is disposed of with the above observation. No costs.

s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

To

1. The Secretary,
Adi Dravida Welfare Department,
Fort St. George,
Chennai - 600 009.

+1 CC to Ms.S. Meenakshi, Advocate sr 50565.
+1 CC to The Govt. Pleader sr 51359.

W.P. No. 6474 of 2018

SP(05/09/2018)

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