

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P.No.17034 of 2018
and
W.M.P.No.20285 of 2018

Sivapakkiam

... Petitioner

Vs.

1.The Member Secretary,
Chennai Metropolitan Development Authority,
Egmore, Chennai - 600 008.

2.The Secretary,
Department of Greater Chennai Corporation,
Fort St.George, Chennai - 600 009.

3.The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai -600 003.

4.The Project Director,
National Highways Authority of India,
1/54, Butt Road, St.Thomas Mount,
Chennai - 600 016.

... Respondents

(4th respondent impleaded as per order of this
Court dated 16.7.2018 in W.M.P.No.21287 of 2018
in W.P.No.17034 of 2018)

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1, 2 and 3 to consider the representation of the petitioner's husband (deceased) dated 28.5.2015, for grant of permanent licence to the said shop, which was ordered to consider by this Court in W.P.No.39440/2015 and now relocated outside to the new Inter City Bus Terminus, G.N.T.Road, Madhavaram, Chennai - 600 060, without consideration by the respondent.

For Petitioner : Mr.A.K.Rajaraman

For Respondents : Mr.P.Tamil Mani
Standing counsel for R1
Mr.V.C.Selvasekaran
Standing counsel for R2 and R3
Mr.Su.Srinivasan for R4

ORDER

Heard Mr.A.K.Rajaraman, learned counsel for the petitioner, Mr.P.Tamil Mani, learned Standing counsel for the first respondent, Mr.V.C.Selvasekaran, learned Standing counsel for the respondents 2 and 3 and Mr.Su.Sreenivasan, learned Standing counsel for the fourth respondent and perused the materials available on record.

2. The petitioner has come forward with this writ petition for the issuance of a writ of mandamus, directing the respondent 1 to 3 to consider the representation dated 28.5.2015 given by the petitioner's husband for issuance of licence.

3. According to the petitioner, her husband Govindasamy was running a bunk shop at 787, G.N.T.Road, Madhavaram, Chennai. While so, the officials of the respondents interfered with the business and tried to evict him. Hence, he filed a writ petition in W.P.No.39440 of 2015 and this Court by an order dated 16.12.2015, directed the authorities to consider the representation and till such time interim order of dispossession was granted. The petitioner would further state that her husband died on 28.6.2018 and the shop was shifted to the outside of the Bus stand. Since now the respondents are interfering with the business of the petitioner, this writ petition has been filed.

4. The learned Standing counsels for the respondents 1 to 3 submitted that the petitioner's husband Govindasamy was an encroacher and he was not issued with a licence by the authorities. It is further stated that now, the petitioner has erected the bunk shop in the land belonging to the National Highways.

5. The learned Standing counsel for the fourth respondent submitted that the Government has proposed to inaugurate a New Intercity Bus Terminals at Madhavaram and the petitioner has erected a bunk shop on the pavement and since no shop can be permitted to put up on the pavement, the fourth respondent has instructed the Tahsildar to remove the encroachment. It is also

submitted that the fourth respondent is not issuing No Objection Certificate to the encroachers on the National Highways.

6. Though the petitioner's husband was said to have been doing business in the place belonging to the CMDA, admittedly, he had not been issued with any licence and he was evicted from the Bus stand. It is to be noted that the petitioner has now put up a shop encroaching on National Highways.

7. In the light of the above facts and the submissions made by the learned Standing counsel appearing for the fourth respondent, I am of the considered opinion that the petitioner is not entitled to any relief sought for in this writ petition. In fine, the writ petition fails and the same is dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS.VII)

//True Copy//

Sub Assistant Registrar

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+1cc to Mr.Su.Srinivasan, Advocate sr.no.50301
+1cc to Mr.P.Tamil Mani, Advocate sr.no.50493
+1cc to Mr.R.Ganapathy, Advocate sr.no.50548

W.P.No.17034 of 2018
and

सत्यमेव जयते W.M.P.No.20285 of 2018

nr 11/08/2018

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