

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 28.02.2018
CORAM
THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.29880 of 2008 &
M.P.No.1 of 2008

Jainul Abideen ...Petitioner
Versus

- 1.The Special Commissioner for Handicapped
O/o.The State Commissioner for Disabled,
No.15/1, Model School Road,
Thousand Lights, Chennai - 600 006.
- 2.The Commissioner,
Chennai Corporation, Rippon Buildings,
Chennai - 600 003.
- 3.The Divisional Engineer,
National Highways Department,
Saidapet, Chennai - 600 015. ... Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, forbearing the respondents from evicting the petitioner bunk shop at the pavement on the line of Binny Road Corner Next to E.B.Pillar, in front of Spencer Plaza and Old No.770, New No.170, Binny Road, Mount Road, Chennai - 600 002.

For Petitioner : Mr.H.Adaikala Arockiaraj
For Respondents : Mr.R.Arunmozhi
Standing Counsel for R2
Mr.B.Anand
Government Advocate for R1 & R3

O R D E R

This writ petition has been filed seeking for issuance of writ of mandamus, forbearing the respondents from evicting the petitioner's bunk shop at the pavement on the line of Binny Road Corner Next to E.B.Pillar, in front of Spencer Plaza at Old No.770, New No.170, Binny Road, Mount Road, Chennai - 600 002.

2. Heard Mr.H.Adaikala Arockiaraj, learned counsel for the petitioner; Mr.R.Arunmozhi, learned Standing Counsel for the second respondent and Mr.B.Anand, learned Government Advocate for the respondents 1 and 3 and perused the records.

3. The learned counsel appearing for the petitioner submitted that in similar circumstances, the Division Bench of this court, by order dated 28.02.2017, passed the following order:-

"5. On hearing the learned counsel for the parties, suffice it to direct the Vending Committee constituted vide G.O.(4D)No.5, Municipal Administration and Water Supply (MCI) Department, dated 05.10.2016, to consider the representation of the petitioner dated 27.1.2017 and pass appropriate orders in accordance with law, within three months from the date of receipt of a copy of this order and till such time, no coercive action shall be taken against the petitioner. All the ground urged in this petition can be raised before the Committee."

4. Per contra, it is submitted that without submitting any representation to the respondents, the present writ petition has been filed and in the event of submission of representation, it will be considered in accordance with law.

5. In the light of the above facts, this Court directs the petitioner to submit a representation to the Vending Committee. On such compliance, this Court directs the Vending Committee constituted vide G.O.(4D)No.5, Municipal Administration and Water Supply (MCI) Department, dated 05.10.2016, to consider the representation of the petitioner and pass appropriate orders in accordance with law, within three months from the date of receipt of a copy of this order and till such time, no coercive action shall be taken against the petitioner. All the ground urged in this petition can be raised before the Committee.

6. With the above observation, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Deputy Registrar

//True Copy//

Sub Assistant Registrar

r n s

To

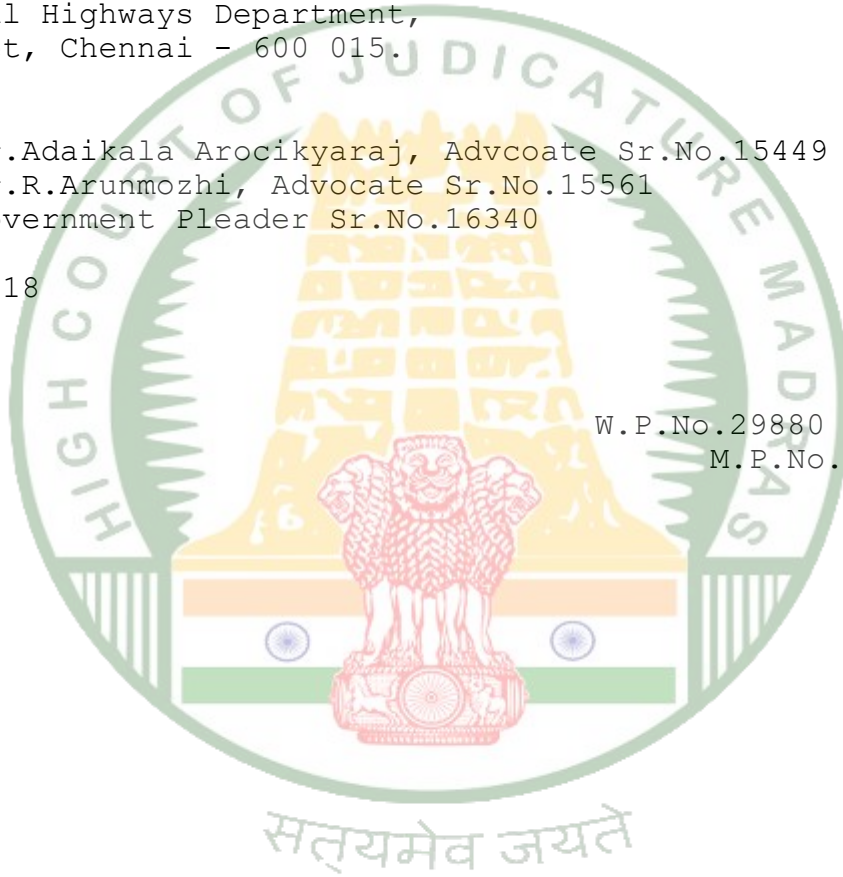
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3.The Divisional Engineer,
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Saidapet, Chennai - 600 015.

+lcc to Mr.Adaikala Arocikyaraj, Advcoate Sr.No.15449
+lcc to Mr.R.Arunmozhi, Advocate Sr.No.15561
+lcc to Government Pleader Sr.No.16340

sm:19.3.2018



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