

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P. 21896 of 2017

and

W.M.P. 22928 of 2017

K.Muthukumar

... Petitioner

Vs

1.The Commissioner,  
Greater Chennai Corporation,  
Ripon Building,  
Chennai Central,  
Chennai-600 003.

2.The Junior Engineer,  
Greater Chennai Corporation,  
Division No.138,  
K.K.Nagar, Chennai-78.

.... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to issue the allotment order to the petitioner, who is running Karumar Steel Pattarai at No.24/A, Anna Main Road, K.K.Nagar, Chennai-600 078.

For Petitioner : Mr.A.M.Ayyadurai

For Respondents : Mr.T.C.Gopalakrishnan

O R D E R

This Writ Petition has been filed seeking for a direction to the Respondents to issue allotment order to the petitioner to run a business at No.24A, Anna Main Road, K.K.Nagar, Chennai-600 078.

2. According to the petitioner, he was running a workshop at No.24A, Anna Main Road, K.K.Nagar, Chennai-78 for more than 15 years. The respondent corporation has given allotment order to some third parties in Shop Nos.23 to 26. Since the petitioner is in occupation of shop No.24-A, he has made a representation to the authority to issue allotment order for running the workshop, but it was not considered by the respondents. In the said circumstances, the petitioner has filed the present Writ Petition.

3. The learned counsel appearing for the petitioner would contend that for similarly placed shops in Shop Nos.23 to 26, the Corporation has given allotment order, whereas the petitioner is running the business in Shop No.24A, the respondent corporation refusing to issue allotment order. The

petitioner has further submitted that he has already got electricity connection to the said workshop and also paying professional tax. In the said circumstances, the petitioner is also entitled for allotment order to run the workshop.

4. The learned counsel appearing for the respondent Corporation filed a counter affidavit stating that the Corporation has rented out the shops at Anna Main Road to various persons and they are running the business in that location. The said shops were constructed in between the road margin and the storm water drainage. There is a passage was left out every 8 shops for de-stilting the storm water drainage. Now, the petitioner has encroached one of the passage left for de-silting purpose and has put up a board in the name and style "Karumar Steel Pattarai" running the business. On inspection, it was found that the petitioner is running the shop without any allotment order or proper license to run the business from the Corporation. By encroaching the passage left for de-stilting of the storm water drainage purpose, the petitioner, the petitioner running business. The learned counsel appearing for the respondent further submitted that the petitioner is only encroaching the passage, which was left for de-stilting purpose of the storm water drainage. So far as other shops are concerned, they are having proper license for running the business at Anna Main Road, the petitioner cannot claim any right based on the allotment of shops to other shop owners.

5. I have heard rival submissions and perused the relevant records carefully.

6. From the counter affidavit filed by the respondent, it is seen that the petitioner has encroached a place left out for de-stilting of storm water drainage. The petitioner is only an encroacher, encroaching the property belong to the Corporation and he cannot claim any right seeking for any allotment order. The other shops mentioned by the petitioner viz., Shop Nos.23 to 25 were properly leased out to some third parties and the petitioner cannot claim any right for allocation of shop. Hence, the Petitioner is not entitled to get any relief in the Writ Petition.

7. In the result, the Writ Petition stands dismissed. No costs. Consequently, connected Writ Miscellaneous Petition is also closed.

Sd/-  
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1.The Commissioner,  
Greater Chennai Corporation,  
Ripon Building,  
Chennai Central,  
Chennai-600 003.

2.The Junior Engineer,  
Greater Chennai Corporation,  
Division No.138,  
K.K.Nagar, Chennai-78.

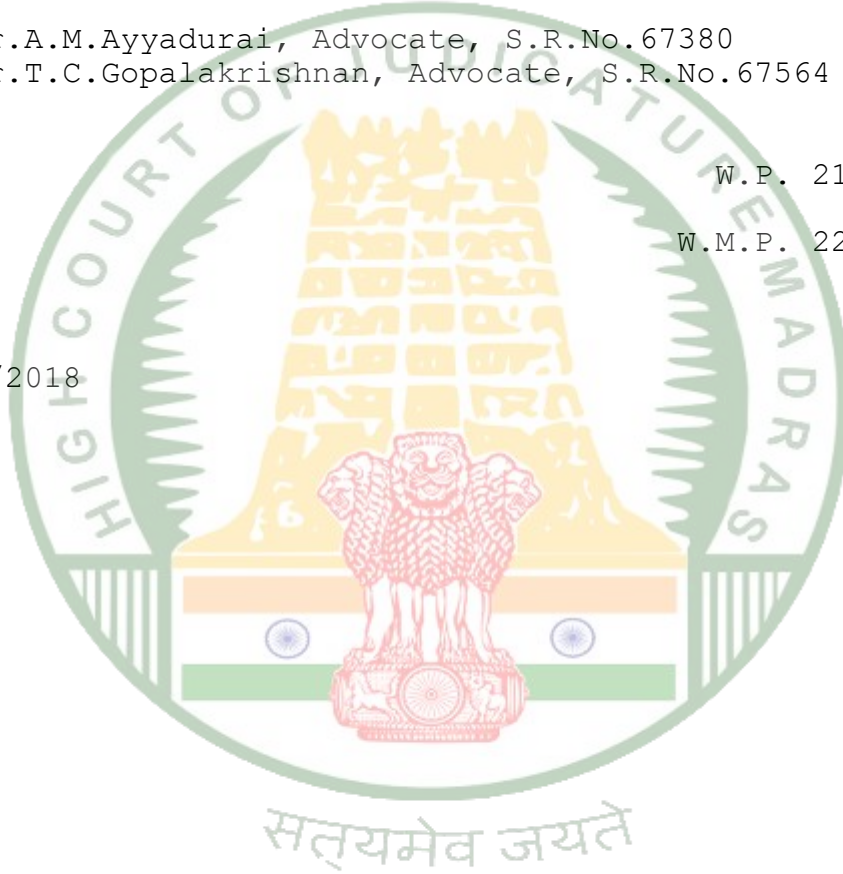
+lcc to Mr.A.M.Ayyadurai, Advocate, S.R.No.67380

+lcc to Mr.T.C.Gopalakrishnan, Advocate, S.R.No.67564

W.P. 21896 of 2017  
and  
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SPD (CO)

rrs 23/11/2018



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