

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.15058 of 2010 &
M.P.Nos.1 & 2 of 2010

M.Selvaraj

...Petitioner

Vs.

1. The State of Tamil Nadu
Rep. By its Secretary,
Adi Dravidar and Tribal Welfare Department,
Fort St. George,
Chennai-600 009.
2. The Collector,
Collectorate of Chennai,
Rajaji Salai,
Chennai-600 001.
3. The Commissioner,
Corporation of Chennai,
Ripon Building,
Chennai-600 003.
4. The Zonal Officer,
Corporation of Chennai,
Zone-III, Puliamphope,
Chennai-600 012.
5. The Junior Engineer,
Division 46,
Corporation of Chennai,
Choolai, Chennai-600 112.

... Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records relating to the order bearing ref.No.Z.O.III.C.No.A15361/2010 dated 17.06.2010 issued by the 3rd respondent Corporation and to quash the same as being illegal, arbitrary, mala fide and for a consequential direction restraining the respondents from interfering with the peaceful possession of the shop at No.146, Choolai High Road, Chennai-112 which was allotted to the petitioner and to permit to carry on his trade at the said shop.

For Petitioner : M/s.V.Govardhanan for
M/s.Raw & Reddy

For Respondents : Mr.J.Ramesh, AGP for R1 & R2

Ms.Karthika Ashok for R3 to R5

O R D E R

The Writ Petition has been filed questioning the notice dated 17.06.2010 by the respondent Corporation under Section 220 read with 222 of the Chennai City Municipal Corporation Act IV of 1919, in which, the petitioner was directed to remove the encroachment made in No.146, Choolai High Road, Chennai - 600 112 in Corporation drain land within three days after receipt of the notice.

2.However, the learned Additional Government Pleader appearing for the respondents would submit that where a person occupied unauthorizedly on the road portion, the Corporation passed the rule under Street Vendors Act and formed Street Vending Committee in order to seek remedy by the persons who occupied unauthorizedly on the road portions. In view of the same, the petitioner may be permitted to file an application before the Street Vending Committee and if the application is filed, they shall consider the same in accordance with law.

3.In response, the learned counsel for the petitioner would submit that the petitioner may grant liberty to file an application before the Street Vending Committee and till the disposal of the said application, an interim order granted by this Court may be permitted to stand in force.

4.In view of the limited request made by the learned counsel for the petitioner, this writ petition is disposed of with a direction to the petitioner to file an application before the Street Vending Committee within a period of two weeks from the date of receipt of a copy of this order. On receipt of the application filed by the petitioner, the Street Vending Committee, shall decide the same in accordance with law, within a period of eight weeks thereafter. However, it is made

clear that the interim stay already granted by this Court shall be continued till the disposal of the application filed by the petitioner before the Street Vending Committee. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
State of Tamil Nadu
Adi Dravidar and Tribal Welfare Department,
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Chennai-600 009.
2. The Collector,
Collectorate of Chennai,
Rajaji Salai,
Chennai-600 001.
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Corporation of Chennai,
Zone-III, Puliamphthope,
Chennai-600 012.
5. The Junior Engineer,
Division 46, Corporation of Chennai,
Choolai, Chennai-600 112.

+1 cc to M/s.Karthikaa Ashok, Advocate, S.R.No.59612

+1 cc to M/s.Row & Reddy, Advocate, S.R.No.59854

+1 cc to the Government Pleader, S.R.No.60241

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CP (CO)
SSM(08/08/2019) .