

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2019

CORAM :

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P.No.3393 of 2019

R.Veeramani

.. Petitioner

Vs.

The Zonal Officer,
Zone-13, Greater Chennai Corporation,
Thiruvanmiyur,
Chennai 600 042. Respondent

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to permit the petitioner to open an Avin Milk Parlor within or outside the Corporation Park at Tharamani, CSIR road, near Ascendas IT Park by virtue of benefits conferred by the Government of Tamil Nadu to the physically challenged to become self employed as sought vide representation, dated 8.12.2018.

For Petitioner : Mr.L.Kowser Nissar

For Respondent : Mrs.Karthika Ashok

O R D E R

Petitioner is seeking direction to the respondent to open an Avin Milk Parlor within or outside the Corporation Park at Tharamani, CSIR road, near Ascendas IT Park by virtue of benefits conferred by the Government of Tamil Nadu to the physically challenged to become self employed as sought vide representation, dated 8.12.2018.

2.The sole respondent has filed counter affidavit wherein in paragraph 4 and 5, it is stated as under:

"4..... Firstly, any person who is interested to run a Aavin Parlor has to make necessary submission before the concerned department of Aavin and on its consideration the concerned department has to forward the same to this Corporation for its necessasry

consideration, subject to the available of appropriate place such permission would be considered. Secondly, the particular place where the petitioner intends to put up the Aavin stall is a reserved open space which is gifted to this Corporation by M/s.Ascendas IT Park (Chennai) Ltd. Under a registered gift deed vide Doc. No.3476 of 2005 at the office of the SRO, Saidapet, Chennai. Lastly, in case the petitioner interested to erect a bunk stall outside the park, this Corporation is not granting any licence to run a Aavin Parlor on the public places.

5. As far as the land which is reserved as open space in the Development plan and gifted the said land is to be maintained as open space, open to air and light, hence this respondent maintains it is a park, if any structure obstructing the openness of the land is permitted, that will be violative of open spaces Act and such act would pave way to nullify the gift of land in favour of the Corporation. Further, to safeguard the environment the open spaces are reserved, which is to be preserved."

3. Recording the aforesaid submission made by the respondent in the counter affidavit, the writ petition is dismissed. It is open to the petitioner to seek alternative space before the authority concerned, if it is permissible under law. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vaan
To

The Zonal Officer,
Zone-13, Greater Chennai Corporation,
Thiruvanmiyur, Chennai 600 042.

+1 cc to M/s.N.A.Nissar Ahmed, Advocate Sr.No.16194

+1 cc to M/s.Karthikaa Ashok, Advocate Sr.No.16200

W.P.No.3393 of 2019

CSL/21.03.2019