

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2019

CORAM:

THE HON'BLE MR. JUSTICE M.M.SUNDRESH  
and  
THE HON'BLE MR. JUSTICE RMT. TEEKAA RAMAN

W.P.Nos.32553 & 32554 of 2019  
and WMP Nos.32920 to 32923 of 2019

Sathyaraj ..... Petitioner in WP No.32553 of 2019  
Palani ..... Petitioner in WP No.32554 of 2019

vs.

1. The Secretary to Government  
Local Bodes Department  
Government of Tamilnadu,  
Fort St. George,  
Chennai - 600 009.
2. The Zonal Officer  
Zone V, Greater Chennai Corporation  
No.61, Basin Bridge Road,  
Chennai - 600 021. .... Respondents in both WPs

Common Prayer : Writ Petitions filed under Article 226 of the Constitution of India seeking to issue a writ of certiorarified Mandamus, calling for the records relating to the proceedings of the 2<sup>nd</sup> respondent in Z.O.5 Na.Ka.No.13469/2019 dated 11.10.2019 and quash the same and forbear the 2<sup>nd</sup> respondents, its officials, servants, agents or anybody under them from interfering with the running of the petitioner's bunk shop at Nos.421/422, Pantheon Road, near Cornioche Complex, near Rountana, Egmore, Chennai - 600 008 and No.500, Pantheon Road, Egmore, chennai 08 respectively.

In both WPs

For Petitioner : Mr.J.Malathy  
For R-1 : Mr.P.S.Shivashanmughasundaram,  
Special Government Pleader  
For R-2 : Dr.C.Ravi Chandran

COMMON ORDER  
(Order of the Court made by M.M.SUNDRESH, J.)

In as much as the issue involved in both Writ Petitions, is one and the same, they are taken up for disposal by a common order.

2. By the impugned orders, the petitioners have been informed that the place in which they have put up bunk shops are situated in the prohibited area and therefore they have to vacate the bunk shops, with liberty to put up them in the permissible area.

3. The learned counsel appearing for the petitioners submitted that the impugned orders cannot be sustained since the petitioners have been asked to vacate the bunk shops without following due procedures.

4. Admittedly, the area in which the petitioners have put up the bunk shops are situated in the prohibited zone. They do not have any vested right to put up the bunk shops. No prior permission have been obtained by the petitioners to put up the bunk shops. By the impugned orders, the petitioners have been asked to re-locate the bunk shops within the permissible area. Thus, we do not find any reason to interfere with the said orders. The petitioners cannot contend that notice has to be given to the petitioners, for the reason that the petitioners have put up the bunk shops without even seeking any permission to put up bunk shops in the prohibited area.

5. Considering the facts of the case, the petitioners are given four weeks time, from the date of receipt of a copy of this order, to re-locate the bunk shops in the permissible area, as stated in the impugned orders. Till such time, the petitioners' bunk shops shall not be removed by the respondents.

6. These Writ Petitions are disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-  
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

rgr

To

1. The Secretary to Government  
Local Bodes Department  
Government of Tamilnadu,  
Fort St. George,  
Chennai - 600 009.

2. The Zonal Officer  
Zone V, Greater Chennai Corporation  
No.61, Basin Bridge Road,  
Chennai - 600 021.

+1cc to Mr.E.Naveen , Advocate SR.No. 97884

+1cc to Dr.C.Ravichandran , Advocate SR.No.96869

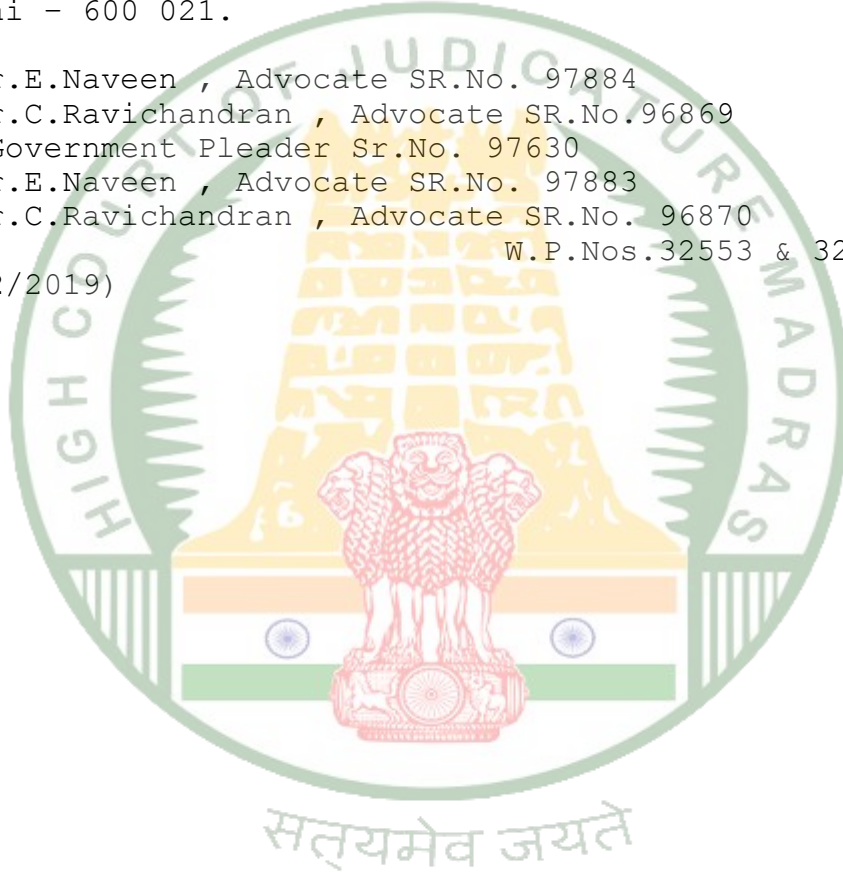
+1 cc to Government Pleader Sr.No. 97630

+1cc to Mr.E.Naveen , Advocate SR.No. 97883

+1cc to Dr.C.Ravichandran , Advocate SR.No. 96870

W.P.Nos.32553 & 32554 of 2019

A.SK(18/12/2019)



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