



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.06.2021

Coram

The Honourable Mr. Justice D. KRISHNAKUMAR

W.P.No.1683 of 2021

M/s.Charring Cross Hotel Pvt. Ltd.,
No.52, Charring Cross Complex,
Garden Road,
Udhagamandalam,
The Nilgris - 643 001.
Rep. by its General Manager

...Petitioner

Versus

The Commissioner,
Udhagamandalam Municipality,
Ooty,
The Nilgiris.

...Respondent

This Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondent to consider and pass suitable orders on the petitioner's representation dated 16.10.2020.

For Petitioner : Mr.R.Sivakumar
For Respondent : Mr.P.Srinivas

O R D E R

(The case has been heard through video conference)

The relief sought for in the present writ petition is to direct the respondent to consider the petitioner's representation dated 16.10.2020 and pass suitable orders therein.

2. It is the case that the petitioner hotel is situated around Garden Road, Ooty. During the weekends, lot of tourists have been visiting the Ooty and their vehicles been parked in unregulated manner. Since the tourists' vehicles been parked in unregulated manner, there is a heavy traffic jam in the aforesaid road. Moreover, either sides of the roads were fully encroached by the street vendors. Therefore, the petitioner hotel had faced several hardships due to this unregulated traffic.

2.1. The respondent Municipality is the authority concerned to regulate the business and trade in town. All the vendors must obtain necessary trade license from the respondent



Municipality, for doing any business within the Municipal area. So the petitioner made a representation dated 16.10.2020, to the respondent Municipality requesting them to initiate appropriate action against the unauthorised vendors throughout the Municipal area, however, the same was not considered and no steps were taken in this regard. Hence, the petitioner has filed the present writ petition before this Court.

3. The learned counsel appearing for the respondent Municipality would fairly submit that if the petitioner makes a fresh representation to the respondent Municipality to restrict his claim only to his street, the same will be considered by the authorities of the respondent Municipality and appropriate orders will be passed therein, in accordance with law, within a time frame as stipulated by this Court.

4. The learned counsel for the petitioner prays this Court to grant liberty to the petitioner to make a fresh representation to the respondent Municipality seeking to initiate action against the unauthorised vendors in his street.

5. Heard the learned counsel on both sides.

6. As far as this case is concerned, being an aggrieved person, the petitioner made a representation to the respondent Municipality seeking for initiating necessary action against the unauthorised vendors. Considering the limited scope of prayer sought for by the petitioner, this Court issues the following directions:

(i) The petitioner is granted liberty to make a fresh representation to the respondent Municipality for evicting the unauthorised street vendors running their business in his street, within a period of two weeks from the date of receipt of a copy of this order.

(ii) On receipt of such representation, the respondent Municipality shall consider the same and afford an opportunity of personal hearing to the petitioner and thereafter, pass appropriate orders on merits and in accordance with law, as expeditiously as possible, within a period of twelve weeks from the date of receipt of the petitioner's fresh representation.

7. This writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar



mrr

To

WEB COPY

The Commissioner,
Udhagamandalam Municipality,
Ooty,
The Nilgiris.

+lcc to Mr.R.Sivakumar, Advocate, S.R.No.27917

W.P.No.1683 of 2021

RK(CO)
CB(16/07/2021)