



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2021

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.No.26304 of 2021
and
W.M.P.No.27767 of 2021

Senthil

... Petitioner

Vs.

1.The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai - 600 003

2.The Chairperson / Zonal Executive Engineer,
Township Vending Committee,
Zone Office - IX,
No:1, Lake Area,
4th Cross Street,
Nungambakkam,
Chennai - 600 034

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified calling for records order passed by the 2nd respondent Vide Proceedings No:Ma.A.9:Na.Ka.En.13019/2020 dated: 06.02.2020 and to quash the same and consequently direct the respondent to grant permission/Certificate of Vending to running the petitioner bunk shop at Thiru.V.Ka.Road, Thirumalai Complex Opposite, Royapettah High Road, Royapettah, Chennai - 600 014 wherein selling food items.

For Petitioner : Mr.K.Kalaiyaran

For Respondents : Mrs.P.T.Ramadevi
Standing Counsel

O R D E R

The order of rejection dated 06.02.2020 passed by the 2nd respondent is under challenge in the present Writ Petition. Further, direction is also sought for to grant permission /



certificate of vending to run bunk shop at Thiru.V.Ka. Road, Thirumalai Complex Opposite, Royapettah High Road, Royapettah, Chennai - 600014, for selling food items.

2. The petitioner states that he is a differently abled person assessed with 50% of disability. He was working as a car painter in Karuna Auto Care Workshop at Gopalapuram, Chennai. He met with an accident and got injuries, therefore, he submitted an application to allot space for running a bunk shop on the roadside in Zone-9 of Chennai Corporation Limits.

3. The application submitted by the petitioner was rejected by the 2nd respondent. Thus, the petitioner is constrained to move the present Writ petition.

4. The authorities while rejecting the application has categorically stated that there is no rules to grant such permission to run bunk shop in Royapettah High Road. In the absence of any rules or guidelines, the Corporation has rightly rejected the application submitted by the petitioner. If permission is granted to run a bunk shop in the routine manner, it would affect the free flow of traffic in that locality and further it would cause hindrance to the public at large. Thus, the authorities are expected to be cautious while dealing with such applications, seeking permission to run bunk shop.

5. In the present case, the Corporation has rightly rejected the application by stating that there is no provisions to grant such permission. Under these circumstances, this Court is of the considered opinion that the petitioner has not established even a semblance of legal right, so as to consider his claim as it sought for in the present Writ Petition.

6. The learned counsel for the petitioner made a submission that some other people are running bunk shop in that locality. In this regard, the respondents are directed conduct an inspection, within a period of two weeks, from the date of receipt of a copy of this order.

7. In the event of any illegal bunk shops being run in that locality, the same are to be removed by following the procedures and this kind of illegalities will provide way for the other persons to submit such applications. Thus, the Corporation officials are duty bound to remove all such encroachments, illegal bunk shops and other irregularities enabling the public at large to use the road in the welfare of the people.



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8. With these directions, the Writ Petition stands dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

shr/kan

To

1.The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai - 600 003

2.The Chairperson / Zonal Executive Engineer,
Township Vending Committee,
Zone Office - IX,
No:1, Lake Area,
4th Cross Street,
Nungambakkam,
Chennai - 600 034

+lcc to Mr. P.T.Ramadevei, Advocate SR.No.65917

W.P.No.26304 of 2021

GPL(CO)
GN(27/12/2021)