



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2022

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.NO.8404 OF 2022

AND

W.M.P.NOS.8355 & 8356 OF 2022

G.Anandhan

... Petitioner

.Vs.

1. The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai - 600 003.
2. The Chairman/Executive Engineer,
Zonal Town Vending Committees,
Greater Chennai Corporation,
CTH Road, Ambattur,
Zone-7, Opposite to Dunlop,
Chennai - 600 053.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the record pertaining to an impugned order passed by the 2nd Respondent in proceeding No.Z.O.VII___/2022 dated 21.03.2022 is illegal and quash the same.

For Petitioner : Mr.G.Ranganathan

For Respondents : Mr.Rahul Aditya
For M/s.P.T.Ramadevi
Standing Counsel

O R D E R

Mr.Rahul Aditya, learned counsel for Ms.P.T.Ramadevi, learned Standing Counsel accepts notice for the respondents and has obtained prior instructions in the matter to enable in final



disposal of this writ petition. Thus, by consent expressed by Mr.Ranganathan, learned counsel for the petitioner and learned Standing Counsel for the respondents final orders are passed even at this juncture.

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2. The petitioner claims to have been carrying on business under the name and style of G.A.Tiffen Centre in Thirumangalam Main Road, Near Golden Flats Bus Stop, Chennai-600 040 with all statutory approvals and licences.

3. While this is so, he received the impugned notice dated 21.03.2022 putting the petitioner to notice that the shop is situated in a no-vending zone and is in front of a Government office, very proximate to the entry and exit points.

4. Thus, and since the shop is not part of the list of approved shops of Vending Committee of Zone-7, the petitioner was put to notice that it is an encroachment and an explanation called for as to why he should not be evicted from the said spot under threat of action under the Chennai City Municipal Corporation Act, 1999.

5. This writ petition is premature since the impugned notice is just a notice affording an opportunity to the petitioner to respond. No prejudice is caused to the petitioner in this regard as one assumes that the petitioner's explanation will be heard and a considered view taken by the authorities.

6. That apart, the petitioner has also tendered an explanation on 28.03.2022 before the authorities which may be taken as a reply to the impugned show cause notice. In any event, there is no action as threatened under the impugned notice for eviction as of now.

7. Bearing in mind the trajectory of events as aforesaid, it would suffice that a direction be issued to R2 to consider the representation of the petitioner dated 28.03.2022 in light of the averments in the impugned show cause notice, hear the petitioner, pass orders and take the proceedings to their logical conclusion, in accordance with law and all applicable rules and regulations.

8. This Court also suggests that the 2nd respondent, if he is of the view that the present location is unsuitable, assist the petitioner in locating an appropriate area for shifting of the shop, bearing in mind the claim of the petitioner that he is dependent upon the same for his livelihood and that he has been in the present location for several years.



9. This writ petition is disposed in the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vs/ska

To

1. The Commissioner,
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Chennai - 600 003.
2. The Chairman/Executive Engineer,
Zonal Town Vending Committees,
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CTH Road, Ambattur,
Zone-7, Opposite to Dunlop,
Chennai - 600 053.

+1cc to Mr.G.Ranganathan, Advocate, S.R.No.23482
+1cc to M/s.P.T.Ramadevi, Advocate, S.R.No.23450

W.P.NO.8404 OF 2022 AND
W.M.P.NOS.8355 & 8356 OF 2022

GPL (CO)
PBS/05/05/2022