



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.06.2022

Coram:

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE
AND
THE HONOURABLE MRS.JUSTICE N.MALA

W.P.Nos.12147 and 12151 of 2022
and
W.M.P.Nos.11587, 11591 and 11593 of 2022

P.Surendhar, S/o Perumal,
running bunk shop at backside of HCL,
Near Forest Commissioner Office,
ELCOT, Sholinganallur,
Chennai-600 119.

.. Petitioner in W.P.No.12147 of 2022

C.Raj Kumar,
running bunk shop at backside of HCL,
Near Forest Commissioner Office,
ELCOT, Sholinganallur,
Chennai-600 119.

.. Petitioner in W.P.No.12151 of 2022

Vs.

1. The Secretary to Government,
Industries Department,
Government of Tamil Nadu,
Fort St.George, Chennai-600 009.
2. The Zonal Officer,
Zone 14,
Corporation of Chennai,
Sholinganallur, Chennai-600 119.
3. The Estate Officer,
ELCOSEZ, Sholinganallur, Chennai-600 119,
and at
MHU Complex, 692, Anna Salai,
Nandanam, Chennai-600 035.

.. Respondents in both W.Ps.



Writ Petitions filed under Article 226 of the Constitution of India, praying for issuance of Writs of Certiorarified Mandamus to call for the records of the proceedings of the third respondent, dated 28.04.2022 and quash the same and forbear from interfering with the running of the petitioners' bunk shops at the backside of HCL, near Forest Commissioner Office, ELCOT in S.No.602/3A, Sholinganallur, Chennai-600 119, except under the provision of the Street Vendor (Protection of Livelihood Regulation), Act, 2014.

For petitioner
in both W.Ps. : Mr.L.Chandrakumar in both W.Ps.

For respondents
in both W.Ps : Mr.A.Selvendran, Spl.G.P. for R-1
Mrs.S.Vaitheeswari for R-2
Mr.M.Vijayan
for M/s.King & Patridge for R-3

COMMON ORDER

(The Common Order of the Court was made by The Honourable Chief Justice)

The Writ Petitions are filed to challenge the show cause notice issued under Section 4 of the Tamil Nadu Public Premises (Eviction of Unauthorised Occupants) Act, 1975. The challenge to the notice has not been made on the ground that the Estate Officer has no authority to issue the notice, rather, reply to the notice has already been given before the date mentioned in the notice. That being the position, the matter would be examined by the Estate Officer for passing appropriate orders. Even if the order of eviction is passed by the Estate Officer, the petitioners would be having a remedy of appeal before the jurisdictional District Judge. In view of the above and taking note of the fact that the challenge is only to the show cause notice and not the order of eviction which is otherwise appealable, passed by the Estate Officer, the Writ Petitions are not maintainable. Accordingly, both the Writ Petitions are dismissed. There shall be no order as to costs. Consequently, W.M.Ps. are closed.

Sd/-
Assistant Registrar(CS III)

/True Copy//

Sub Assistant Registrar



cs/hvk

To

WEB COPY

1. The Secretary to Government, Industries Department,
Government of Tamil Nadu,
Fort St.George, Chennai-600 009.
2. The Zonal Officer, Zone 14,
Corporation of Chennai,
Sholinganallur, Chennai-600 119.
3. The Estate Officer,
ELCOSEZ, Sholinganallur, Chennai-600 119,
and at
MHU Complex, 692, Anna Salai,
Nandanam, Chennai-600 035.

+2ccs to M/s.King & Patridge, Advocate, S.R.No.32778,32777
+2ccs to Mr.R.Kamaraj, Advocate, S.R.No.32607,32608
+1 cc to the Government Pleader, Sr.No.33146(20/06/2022)

W.P.No.12147 and 12151 of 2022

NSK/14/06/2022