



W.P.No.15144 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2022

CORAM

THE HONOURABLE MR.JUSTICE **C.SARAVANAN**

W.P.No.15144 of 2022

and

W.M.P.No.14336 of 2022

G.Chittu

... Petitioner

Vs

- 1.The Commissioner,
Greater Chennai Corporation,
Ribbon Building, Chennai - 600 003.
- 2.The Revenue Officer,
Revenue Department,
Greater Chennai Corporation,
Ribbon Building, Chennai - 600 003.
- 3.The Zonal Officer,
Greater Chennai Corporation,
Zone-13, Adayar,
Chennai - 600 020.
- 4.The Assistant Executive Engineer,
Greater Chennai Corporation,
Zone-13, Adayar,
Chennai - 600 020.



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5. The Assistant Engineer,
Greater Chennai Corporation,
Zone-13, Division-172,
Guindy, Chennai - 600 032.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first to fifth respondents to restore the bunk shop in the demised premises at No.106, Velacherry Main Road, Guindy, Chennai - 600 032.

For Petitioners : Mr.P.K.Sabapathi

For Respondents : Mr.R.Gopinath
standing counsel

ORDER

Mr.R.Gopinath, learned standing counsel takes notice on behalf of the respondents.

2. The petitioner has filed this writ petition for a mandamus, to direct the first to fifth respondents to restore the bunk shop in the demised premises at Door No.106, Velacherry Main Road, Guindy, Chennai - 600 032.



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3. It is the case of the petitioner that he has been given a license by the respondents, which has been also renewed from time to time. In this connection a reference was made to the last renewal vide renewal order dated 20.02.2018 issued in the name of the petitioner by the respondents Corporation under Section 279 of the Chennai City Municipal Corporation Act, 1919.

4. The learned counsel for the petitioner submits that the petitioner was engaged in running a Tea Stall in the demised premises and that the petitioner had also paid the renewal charges on 08.03.2019. The petitioner has taken a Demand Draft bearing D.D.No.242523, for an Amount of Rs.1,250/-, dated 08.03.2019, in favour of “The Commissioner, Corporation of Chennai” drawn at Indian Bank, Adayar Branch and that the Demand Draft was also encashed on 02.04.2019. It is further submitted that the renewal is for a period of one year, the respondents Corporation had failed to issue any renewal order though the amounts was encashed.



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5. It is submitted that all of a sudden, without any provocation, on 16.05.2022, the respondents Corporation came with a JCB and demolished the structure of the bunk shed and vacated the petitioner. It is further submitted that this is clearly contrary to the Principles of Natural Justice as the petitioner was not found lacking in any manner.

6. It is submitted that the petitioner eking of her livelihood which has been denied and therefore there is a gross violation of Article 19(1)(g) and Article 21 of the Constitution of India.

7. Opposing the prayer, the learned standing counsel for the respondents submits that the license has not been renewed after the renewal order dated 20.02.2018 has been passed by the respondents.

8. The learned standing counsel for the respondents further submitted that there were about 12 shops which had encroached on the Velacherry Main Road and therefore with great difficulty, the encroachers were removed and the roads had widened.



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9. It is submitted that if at all the petitioner had got any rights, the petitioner has to approach appropriate authorities under the provisions of the Street Vendors Act, 2014 and therefore this writ petition is liable to be dismissed.

10. I have considered the arguments advanced by the learned counsel for the petitioner and the learned standing counsel for the respondents.

11. The facts on record indicates that the respondents corporation had recognized the predecessor of the petitioner namely one N.Kamarunisha, and had allotted the bunk shop size (8" x 6") on the basis of Women Welfare Self Employment Scheme. Based on the aforesaid license, the renewals were made in favour of the aforesaid licensee. Subsequently, the petitioner's business was being carried from the said licensed premises which has been renewed from the respondents. A last renewal was made on 20.08.2018. Thereafter, no further renewals have been made.



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12. The facts on record also indicates that the petitioner has also paid professional tax amounting to Rs.25,584/- on 04.05.2022. The removal of bunk shop clearly was in violation of Section 220 of the Chennai City Municipal Corporation Act, 1919 read with Section 222 of the said Act.

13. Before removing the petitioner from the bunk shop, the respondents should have followed the statutory safe guard prescribed under Section 222 of the Chennai City Municipal Corporation Act, 1919. Widening of the road and removing of other shops along with the petitioner cannot be treated as *fait accompli*. The respondents cannot deny the petitioner's livelihood by removing the bunk shop which was licensed earlier to the petitioner's predecessor namely N.Kamarunisha.

14. Considering the above, I direct the respondents to allot one bunk shop to the petitioner in any other location near Velacherry Main Road, Guindy, Chennai, within a period of eight weeks from the date of receipt of a copy of this order.



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15. This Writ Petition stands allowed with the above observations.

No costs. Consequently, connected Writ Miscellaneous Petition is closed.

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Index : Yes/ No
Internet : Yes/No
Speaking/Non-Speaking Order

arb

To

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