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W.P. No. 29293 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 29293 of 2022

and

W.M.P. No. 28588 of 2022

V.Sriram

... Petitioner

-VS-

1. Greater Chennai Corporation
Represented by its Commissioner
Ripon Building I Floor
Raja Muthiah Road
Kannappar Thidal
Periamet, Chennai – 600 003.
2. The Executive Engineer
Chennai Corporation
Zone – 14, 6/64, Zone XIV
Puzhuthivakkam Main Road
Perungudi, Chennai – 600 096.
3. The Assistant Engineer
Division – 182, Zone – 14
Greater Chennai Corporation
Puzhuthivakkam Main Road
Perungudi, Chennai – 600 096.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, calling for the records of the Third Respondent bearing Ma.A.14/Na.Ka.No.A1/7613/2021 dated 29.10.2022 and quash the same.



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For Petitioner : Mr. T.Gowthaman

For Respondents : Mrs. P.T.Ramadevi

ORDER

Heard Mr. T.Gowthaman, Learned Counsel for the Petitioner and Mrs. P.T.Ramadevi, Learned Counsel for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner, who claims to be running a bunk shop measuring an extent of 30 sq. ft. situated at No. 7, Anna Nedunchalai, Kandanchavadi, Perungudi, Chennai – 600096, has filed this Writ Petition challenging the Order in Ma.A.14/Na.Ka. No. A1/7613/2021 dated 29.10.2022 passed by the Third Respondent calling upon him to vacate the said shop, which is on the public road.

3. It is borne out from the record that in the Writ Petition in W.P. No. 24603 of 2021 filed by one Senthil Kumar, this Court, while directing for removal of encroachment, has observed as follows:-

“9. In view of the counter filed by the Fourth Respondent that the vendors, who were already issued with I.D. card will be



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allotted place in other location in the same area, this Court directs the Fourth Respondent to consider the representation of the Petitioner and take action in accordance with law, after providing ample opportunity to the necessary parties. The said exercise shall be completed within a period of six months.”

Relying on the said observations, the Petitioner contends that without providing him an alternative shop in a vending zone, he cannot be asked to vacate from the said site.

4. It is represented that the constitution of Town Vending Committee has been set aside by the Division Bench of this Court by order dated 27.04.2022 in W.P. No. 6799 of 2022 as it was in contravention of relevant legal provisions and that necessary action is now being taken for constituting the Town Vending Committee. In that backdrop, it is brought to notice that the Petitioner has been informed by the Third Respondent by Letter No. U.O.41/C.No.962/2022 dated 08.11.2022 that after the constitution of Town Vending Committee, the identification of permanent location to valid license holders having bunk shops would be allotted by the Zonal Town Vending Committees and till such time, the Petitioner has been temporarily allotted alternate location at Anna Nedunchalai, Kandanchavadi opposite to Perungudi Lake and its copy is placed



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on record. In such circumstances, nothing remains for further consideration in the Writ Petition, but if the Petitioner still has any grievance to be redressed in the matter, he is not precluded from working out his rights before the proper forum in the manner recognized by law.

5. In fine, the Writ Petition is disposed with the aforesaid observations. Consequently, the connected Miscellaneous Petition is closed. No costs.

10.11.2022

Maya

Index: Yes/No

Note: Issue order copy by 03.01.2023.

To

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P.D. AUDIKESAVALU, J.

Maya

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