



W.P.No.30726 of 2022

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.No.30726 of 2022
and
W.M.P.No.30157 of 2022

Asiad Colony Flat Owners' Welfare Association,
Regn.No.219/1990,
Rep. by its President, K.Ratnasingam, M/73,
S/o.Kopala Pillai,
No.200/1, Asiad Colony, Thirumangalam,
Anna Nagar West Extension,
Chennai - 101.

...Petitioner

Vs.

1.The Zonal Officer,
Zone-7, Greater Chennai Corporation,
No.536, C.T.H.Road, Ambattur Zone-7,
Chennai - 600 053.

2.The Executive Engineer,
Zone-7, Greater Chennai Corporation,
No.536, C.T.H.Road, Ambattur Zone-7,
Chennai - 600 053.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Mandamus, forbearing the respondents from



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interfering with peaceful enjoyment of the shops situated in East Main Road, Asiad Colony Compound, Asiad Colony, Thirumangalam, Anna Nagar West Extension, Chennai - 600 101.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.D.B.R.Prabhu

Standing Counsel

ORDER

(Order of the Court was made by R.SUBRAMANIAN, J.)

The prayer in the Writ Petition reads as follows:-

“forbearing the respondents from interfering with peaceful enjoyment of the shops situated in East Main Road, Asiad Colony Compound, Asiad Colony, Thirumangalam, Anna Nagar West Extension, Chennai - 600 101.”

2.The petitioner is aggrieved by the action of the Corporation in sealing the business premises wherein, a canteen was run by its tenant. Notice has been issued by the Corporation under Section 220 r/w. 222 of the Chennai City Municipal Corporation Act, 1919 on the ground that the activity of the tenant of the petitioner in erecting the shed, obstructing the pedestrian walk way, amounts to endangering human lives and properties.



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3.It is now stated that the offending structures, which are temporary in nature have been removed. The petitioner has also applied for grant of planning permission for the structure that has been put up inside the compound wall, housing two shops.

4.In view of the above developments, we permit the petitioner to re-open the shops and we direct the Corporation not to disturb the running of the business by the tenant of the petitioner without encroaching upon the pedestrian walk way. It is made clear that the petitioner shall ensure that the business happens only within the premises and not outside. No temporary structure shall be erected on the platform. The tenant shall not also either put tables or stools in the platform. If any such attempt is made, it will be open to the Corporation to take away those belongings, which are kept on the platform. The Corporation is also directed to ensure that there is no hapazard parking of vehicles in the street concerned.



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5.This Writ Petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.M.,J.) (K.B.,J.)
01.12.2022

kkn

Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order



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To:-

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Zone-7, Greater Chennai Corporation,
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R.SUBRAMANIAN, J.
and
K.KUMARESH BABU, J.

KKN

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