



WEB COPY



WP No.7007 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2023

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THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No.7007 of 2023

Kalaigñar Karunanidhi Nagar Welfare Association  
Regd No.121/1997  
Rep by its President S.Dayanand PRasad  
No.3, Roja Street, K.K.Nagar  
Peerankaranai, Srinivasan Nagar (Post)  
Chennai 600063

... Petitioner

Vs

1.The District Collector  
Chengalpattu District.

2.The Commissioner  
Tambaram Corporation  
Chennai-600 045.

3.The Inspector of Police  
Peerankaranai Police Station  
Chennai-63.

4.The Pentecostal Mission  
Rep. by its Chief Pastor  
Irumbuliyur, Chennai-600 059.

5.The Commissioner of Police  
Tambaram, Chennai.

... Respondents



WP No.7007 of 2023

Prayer: Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus forbearing the 2nd respondent from permitting any person to put up shops in the Old GST Road adjacent to the residents of the members of the petitioner's Association at K.K.Nagar, Peerankaranai Srinivasan Nagar (Post) Chennai-600 063 from 08-03-2023 to 12-03-2023 during the period of convention conducted by the fourth respondent.

For the Petitioner : Mr.S.Mohan

For the Respondents : Mr.P.Muthukumar,  
State Government Pleader,  
for respondents 1 to 3 and 5

ORDER

(Made by the Hon'ble Acting Chief Justice)

The petitioner has filed this writ petition praying for a Writ of Mandamus forbearing the second respondent from permitting any person to put-up shops in the Old GST Road adjacent to the residence of the members of the petitioner's Association at K.K.Nagar, Peerankaranai, Srinivasan Nagar (Post), Chennai-600063, from 08-03-2023 to 12-03-2023 during the period of convention conducted by the fourth respondent.

2. Learned counsel for the petitioner submits that the petitioner's association was formed for the common welfare of the residents of K.K.Nagar, Peerankaranai, Tambaram Taluk. The association is having more than 100 members and it is registered under the Tamil Nadu Societies Registration Act, having registration No.121 of 1997.



WP No.7007 of 2023

WEB COPY

3. The fourth respondent is a Christian Mission, having headquarters and training centre at Irumbuliyur within Tambaram Corporation. The said premises is having two entrances for ingress and egress. The fourth respondent conducts international convention at the said headquarters, usually for five days during the second week of March. During the said period, lots of people, who are followers of the Pentecostal Christian faith, visit the premises in order to attend the convention. The devotees would be provided with food and shelter inside the premises by the fourth respondent. Many temporary shops selling plastic articles, eateries and other goods would spring up on both sides of the road. As large number of people converge in the said road, the ingress and egress of the residents in the road and the vehicular traffic would be completely affected.

4. This apart, the second respondent Tambaram Corporation conducts auction for the purpose of putting up shops in the streets adjoining the entrance of the Pentecostal mission during the days when the convention is being conducted. The action of the second respondent in conducting auction for the purpose of putting up shops during the convention is against law and the second respondent does not have power or jurisdiction to do so under the Tamil Nadu District Municipalities Act.



WP No.7007 of 2023

5. The petitioner association also filed a writ petition in WP No.6619 of 2016 before this Court, challenging the formation/auctioning/putting up of shops in and around the pentecostal headquarters. Since an undertaking was given in the counter-affidavit of the Executive Officer, Peerkkankaranai Town Panchayat that they will shift the putting up of the temporary shops to the old GST Road, the writ petition was closed by order dated 02.03.2016.

6. Now, the second respondent has been granting permission to put up shops in the old GST road, affecting the free movement of the residents of the petitioner's association. Hence the present writ petition has been filed.

7. We are unable to find any merit in this writ petition, mainly for the following two reasons:

(i) Firstly, it is the own case of the petitioner that in WP No.6619 of 2016, filed challenging the formation/auctioning/putting up of shops in around the Pentecostal Headquarters, the second respondent therein has given an undertaking in the counter-affidavit that they would shift the putting up of temporary shops to the old GST road. Now, the petitioner has once again come to this Court having agreed to the stand taken by the second respondent for putting up shops at the old GST road.



WP No.7007 of 2023

WEB COPY

(ii) Secondly, when some international convention is being organised with due permission given by the competent authorities, the petitioner cannot directly come to this Court, invoking Article 226 of the Constitution of India, without even challenging the permission granted on the ground of violation of conditions therein.

8. The writ petition, therefore, fails and the same is dismissed. There will be no order as to costs. WMP No.7098 of 2023 is closed.

(T.R., ACJ.) (D.B.C., J.)  
07.03.2023

Index : Yes/No  
Neutral Citation : Yes/No  
tar

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WEB COPY



WP No.7007 of 2023

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WP No.7007 of 2023

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