



WEB COPY

W.P.No.10269 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.10269 of 2023

A.V.K.Arun Balaji

... Petitioner

Vs.

1.The Commissioner of Chennai
Corporation of Chennai.

2.The Commissioner
Ambattur Municipality
Now as an Executive Engineer
Zone 7, Ambattur, Chennai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents to consider the petitioner's representation dated 13.09.2022, and consequently directing the respondents to grant permission to conduct petty shop (Bunk Shop) in and around Ambattur.

For Petitioner

: Mr.A.T.John Victor

For Respondents

: Ms.P.T.Rama Devi
Standing Counsel
[For Greater Chennai Corporation]



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ORDER

The relief sought for in the present writ petition is to direct the respondents to consider the writ petitioner's representation dated 13.09.2022 and consequently direct the respondents to grant permission to conduct Petty Shop (Bunk Shop) in and around Ambattur.

2. The relief as such sought for in the present writ petition is misconceived. Court cannot direct the authorities competent to grant permission to conduct Petty Shop (Bunk Shop) in Ambattur or in any other area. If at all the petitioner is interested in securing an allotment of a shop in accordance with the provisions of the regulations, he has to approach the Competent Committee / Authorities by submitting necessary applications in the manner prescribed. Only in such circumstances, the authorities will be in a position to consider the case of the writ petitioner along with all other eligible candidates, who all are waiting and longing to secure such allotment for the purpose of running trade or business.

3. Illegal installation of Bunk Shop, at no circumstances be encouraged either by the authorities or by the Courts. Such illegal Bunk Shops would



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cause greater inconvenience to the people of that locality and would cause prejudice to the rights of all other similar persons, who all are waiting to secure allotment in the order of seniority. Therefore, allotment of shops are to be made by the competent authorities scrupulously by following the procedures and considering the eligibility of the applicants, who all are aspiring to secure allotment of shops to conduct trade or business.

4. Merely by directing the authorities to consider the representation the petitioner cannot secure any allotment of shop nor would such direction do any service to the cause of justice. If at all such direction is given by this Court to consider the representation submitted by the petitioner, the authorities in compliance will pass an order and the petitioner will back again to the Court by way of another round of litigation and this kind of encouragement of filing litigation after litigation would do no service to the cause of justice and therefore, the petitioner is at liberty to file an appropriate application before the competent authorities and the authorities have to consider strictly in accordance with law.



5. With this liberty, this Writ Petition stands disposed of. No costs.

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Jeni

Index : Yes

Speaking order

Neutral Citation : Yes

To

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S.M.SUBRAMANIAM, J.

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