



W.P.No.6609 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.01.2023

CORAM

THE HONOURABLE Ms. JUSTICE V.M.VELUMANI
AND
THE HONOURABLE Mrs. JUSTICE R.HEMALATHA

W.P.No.6609 of 2015

Chennai Maanagara Desiya Siru Vyabarigal Sangam
(Reg. No.47/1985)
Rep. by its President
No.9, N.S.C. Bose Road
Kuralagam
Chennai 600 001

.. Petitioner

Vs.

1.The Corporation of Chennai
Rep. by its Commissioner
Ripon Buildings
Chennai 600 003

2.The Hawking Zone Implementation Committee
Rep. by its Chairman
Raja Annamalaipuram
Chennai 600 028

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus, directing the 1st and 2nd respondents to consider the petitioner's review dated 23.12.2014 seeking to put up sheds to protect



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their wares and business and permit the same, after giving the petitioner an opportunity of hearing.

For Petitioner : Mr.C.K.Chandrasekar
For 1st Respondent : Mr.G.T.Subramanian
For 2nd Respondent : No appearance

ORDER

(Order of the Court was made by V.M.VELUMANI, J.)

Writ Petition is filed for a direction to the respondents to consider the review dated 23.12.2014 filed by the petitioner, seeking to put up sheds to protect their wares and business.

2. Heard Mr.C.K.Chandrasekar, learned counsel for the petitioner Association and Mr.G.T.Subramanian, learned Standing Counsel for the 1st respondent/Corporation.

3. The learned counsel for the petitioner submitted that the members of the petitioner association are doing hawking business for more than three



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decades in Chennai. As they are identified hawkers, they were allotted space by the Hawking Zone Committee. Due to metro rail work, they were shifted to new place. In the newly allotted space, the public are throwing garbage. In order to protect their goods, they put up temporary structures. As the said temporary structure was done without permission, the 2nd respondent/Committee directed to remove it and the same was duly complied with. In such circumstances, the petitioner submitted a representation dated 02.06.2014 to the Corporation. Pending consideration of the said representation, the petitioner filed W.P.No.20181 of 2014, in which, this Court, by order dated 14.08.2014, directed the respondents to consider and pass orders within a period of six weeks. While so, the Corporation has rejected the petitioner's request on 17.12.2014, without considering the facts submitted. Hence, they filed a review petition dated 23.12.2014 before the 2nd respondent/Committee, in which, the 1st respondent was directed to consider the review petition. Since the said review petition is not taken up for consideration, the petitioner has come out with the present writ petition.



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4. When the matter was taken up for hearing on 24.01.2023, this

Court directed the learned Standing Counsel to get instructions, as to whether the review is pending from the year 2014. Today, the learned Standing Counsel, on instructions, represented that the review petition is pending without passing any orders and submitted that it will be disposed of shortly.

5. In view of the above submission of the learned Standing Counsel, without deciding the case on merits, this Court directs the 1st respondent to consider the review petition dated 23.12.2014 filed by the petitioner on merits and pass orders after giving an opportunity to the petitioner, within two weeks from the date of receipt of a copy of this order.

With the above directions, the writ petition is disposed of.
No costs.

(V.M.V.,J.) (R.H.,J.)
30.01.2023

Index : Yes/No
Internet : Yes / No
gya



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To
WEB COPY

1.The Commissioner
Corporation of Chennai
Ripon Buildings
Chennai 600 003

2.The Chairman
Hawking Zone Implementation Committee
Raja Annamalaipuram
Chennai 600 028



WEB COPY



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V.M.VELUMANI, J.
AND
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