



WEB COPY



W.P.No.13421 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE P. DHANABA.L

W.P.No.13421 of 2023

K.Rajan

... Petitioner

Vs.

1.The Commissioner,
Corporation of Chennai,
Ribbon Building, Chennai 600 003.

2. The Zonal Executive Engineer,
Zone-9, Corporation of Chennai,
Chennai 600 034.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 24.03.2023 in view of the order passed by this Court in W.P.No.5155/2020 dated 28.02.2020.

For Petitioner : Mr.Na.Malai Saravanan

For Respondents : Mr.E.C.Ramesh, Standing Counsel

ORDER

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(Order of the Court was delivered by D.KRISHNAKUMAR, J.)

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This Writ Petition has been filed to direct the respondents to consider the petitioner's representation dated 24.03.2023 in view of the order passed by this Court in W.P.No.5155/2020 dated 28.02.2020.

2. The brief facts of the case of the petitioner is as follows.

Earlier, the petitioner had filed a writ petition in W.P.No.5155/2020 against the Zonal Executive Engineer, Zone-9, Corporation of Chennai forbearing them from interfering with the running of the petitioner's bunk shop. This Court, vide order dated 28.02.2020, has directed the respondent to place the petitioner's representation dated 20.02.2020 before the Township Vending Committee, within a period of one week from the date of receipt of the order, which, in turn, shall consider the same and pass appropriate orders on merits and in accordance with law, within a period of two weeks thereafter. However, without considering the petitioner's representation dated 20.02.2020, as ordered by this Court, the respondents are threatening the petitioner to remove his bunk shop. Hence this writ petition.



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3. The learned Standing Counsel appearing for the respondents submitted that, pursuant to the order passed by this Court dated 28.02.2020 in W.P.No.5155/2020, the respondent Corporation has placed the representation of the petitioner before the Town Vending Committee. Thereafter, by accepting the Committee's recommendation, the respondents have passed the order dated 03.10.2020 and it was also communicated to the petitioner. Therefore, the order of this Court dated 28.02.2020 passed in W.P.No.5155/2020 was complied with. However, suppressing the material facts, the petitioner has filed the present writ petition and hence, he seeks for dismissal of the writ petition. The learned Standing Counsel has also placed the above said compliance order dated 03.10.2020 before this Court.

4. It is seen from the compliance order dated 03.10.2020 passed by the Executive Engineer/Chairman Vending Committee, Zone-IX that, the respondent Corporation has placed the representation of the petitioner before the Town Vending Committee on 25.09.2020 and by accepting the Committee's recommendation, has passed the following order.



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" Since the petitioner name has been found in the vending zone enumerated list, the petitioner will be allotted an alternate site in the vending zone area. Further, the petitioner is directed to remove the bunk shop from the non-vending immediately "

From the above, it is clear that, the order of this Court dated 28.02.2020 passed in W.P.No.5155/2020 was complied with by the respondents and the above order was also communicated to the petitioner, as shown in the postal receipt. Therefore, we are in agreement with the contention of the learned Standing Counsel that the petitioner has suppressed the material facts. Not only suppressing the above said order but also making such allegation that the respondents are threatening the petitioner to remove the bunk shop, the petitioner has once again given a representation dated 24.03.2023 before the respondents, and sought them to consider his representation. Further, suppressing the above material facts, the petitioner has approached this Court also seeking direction to the respondents to consider his representation, pursuant to the order passed by this Court in W.P.No.5155/2020 dated 24.03.2023. Therefore, we are of the view that the petitioner does not reserve for any indulgence of this court to consider his claim, as



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sought for in the writ petition.

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5. Accordingly, the writ petition is dismissed with cost of Rs.5,000/- (Rupees five thousand) payable to the respondent Corporation by the petitioner.

(D.K.K.J.) (P.D.B.J.)

07.06.2023

mst

To

1. The Commissioner,
Corporation of Chennai,
Ribbon Building, Chennai 600 003.
2. The Zonal Executive Engineer,
Zone-9, Corporation of Chennai,
Chennai 600 034.



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D.KRISHNAKUMAR, J.

and

P. DHANABAL, J.

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