



WEB COPY



W.P.No.26379 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.02.2023

CORAM

THE HONOURABLE Ms. JUSTICE V.M.VELUMANI

AND

THE HONOURABLE Mr. JUSTICE V.LAKSHMINARAYANAN

W.P.No.26379 of 2017

National Products
Rep. by its Proprietor
Sudershan Kumar Parakh
A/3, A/4, Thiru-Vi-ka Industrial Estate
Guindy-Alandur Road
Guindy, Chennai 600 032

.. Petitioner

Vs.

1.The Managing Director
Tamil Nadu Small Industries Development Corporation Ltd.
Corporate Office Building
Thiru-Vi-Ka Industrial Estate
Guindy, Chennai 600 032

2.The Commissioner
Corporation of Chennai
Rippon Building
Park Town, Chennai 600 003



W.P.No.26379 of 2017

3.The Branch Manager
Tamil Nadu Small Industries Development Corporation Ltd.
Corporate Office Building
Thiru-Vi-Ka Industrial Estate
Guindy, Chennai 600 032

4.The Assistant Revenue Officer
Revenue Department
Corporation of Chennai
No.115, Dr.Muthulakshmi Salai
Adyar, Chennai 600 020

5.Shanmuga Devar (died)

6.Palmugar Industries
Bunk
Guindy-Alandur Road
Guindy, Chennai 600 032

7.Our Youth Ladies Welfare Association
Telephone Booth
Guindy-Alandur Road
Guindy, Chennai 600 032

8.D.Senthil Kumar
Xerox Shop
Guindy-Alandur Road
Guindy, Chennai 600 032

9.M.Mani
Electrical Shop
Guindy-Alandur Road
Guindy, Chennai 600 032.



W.P.No.26379 of 2017

10.Sevagan
Sweet Stall
Guindy-Alandur Road
Guindy, Chennai 600 032

11.M.Devi
TAPCO Bunk
Guindy-Alandur Road
Guindy, Chennai 600 032

12.Kumudhavalli
Pan Shop
Guindy-Alandur Road
Guindy, Chennai 600 032

13.Selvi Arya
Petty Shop
Guindy-Alandur Road
Guindy, Chennai 600 032

14.Kamala
Tea Stall
Guindy-Alandur Road
Guindy, Chennai 600 032

15.Lakshmi
Pan Shop
Guindy-Alandur Road
Guindy, Chennai 600 032

16.Tamil Nadu Co-operative Milk Producers Federation Ltd.
Milk Parlour
Guindy-Alandur Road
Guindy, Chennai 600 032



W.P.No.26379 of 2017

17.S.Bagavathi

Shop No.5, Guindy, Chennai 600 032

(R17 impleaded *vide* order dt.26.3.2018 in WMP.No.6397/18)

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents 1 to 4 to forthwith remove the petty shops, shed and stalls etc., located in the median on the Guindy-Alandur Road in Thiru-Vi-Ka Industrial Estate, Guindy, Chennai.

For Petitioner	: Mr.C.T.Murugappan
For R1, R3 & R13	: No appearance
For R2	: Mr.G.T.Subramanian Standing Counsel
For R4	: No appearance
For R5, R14 & R15	: Deceased
For R6 to R12 & R17	: Mr.V.R.Thangavelu for Mr.Selvaraj
For R16	: Mrs.R.L.Karthika Government Advocate

ORDER

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

The petitioner has come out with the present writ petition for a direction to the respondents 1 to 4 to forthwith remove the petty shops, shed and stalls etc., located in the median on the Guindy-Alandur Road in Thiru-Vi-Ka Industrial Estate, Guindy, Chennai.



W.P.No.26379 of 2017

2. Heard Mr.C.T.Murugappan, learned counsel appearing for the petitioner, Mr.G.T.Subramanian, learned Standing Counsel appearing for the 2nd respondent, Mr.V.R.Thangavelu, learned counsel representing Mr.Selvaraj, learned counsel on record for the respondents 6 to 12 and 17 and Mrs.R.L.Karthika, learned Government Advocate appearing for the 16th respondent.

3. According to the petitioner, the property bearing plot No.A3 and A4 of Thiru.Vi.Ka Industrial Estate, Guindy, was allotted to the petitioner and a Sale Deed in document No.3215 of 1989 was also executed in his favour by the 1st respondent on 25.09.1989. The petitioner is the absolute owner and he is in possession of the said property. He is manufacturing plastic products in the said property. There is a service lane abutting the eastern side of the said property and there is a median about 10 feet separating the service lane and the Guindy-Alandur main road. While so, several persons have put up petty shops, stalls, bunks, etc. and carrying on businesses, including selling of food items, water, electrical and electronic products, etc. The customers coming to petty shops used to park their



W.P.No.26379 of 2017

vehicles on the service lane, which leads to heavy traffic. On the queries raised under the Right to Information Act, 2005 by the petitioner, the respondents 1 and 3 /SIDCO informed that they have given allotment to certain number of bunk type shops for selling essential items like snacks, cool drinks, etc. and the records of permit/licence issued by the 2nd respondent are not available with the SIDCO/1st respondent. In such circumstances, the petitioner has come out with the present petition for a direction to the respondents 1 to 4 to remove the said petty shops, forthwith.

4. Learned counsel appearing for the petitioner submitted that on the queries raised under the RTI Act with the Corporation Officials, they informed that they have not issued any license to run petty shops. The petitioner sent a representation dated 16.08.2017 to the respondents 1 to 4 to remove the said petty shops and the same was received by the respondents on 22.08.2017. In spite of receipt of the said notice, the respondents 1 to 4 have not acted upon. Hence, the petitioner is constrained to approach this Court for an appropriate relief.



WEB COPY

5. The 4th respondent filed a report stating that the Corporation has not issued any license to the respondents 5 to 16 to run petty shops, since the area belongs to the SIDCO and the Local Body Act is not applicable to the said property. Learned counsel appearing for the 2nd respondent submitted that the respondents 2 and 4 and the traffic police department have already gave instructions to the respondents 6 to 17 not to park the vehicles in the service lane.

6. Though the respondents 1 and 3/SIDCO entered appearance through Mr.M.Purushothaman, Standing Counsel, he has not appeared before this Court today.

7. Mr.V.R.Thangavelu, learned counsel appearing for the respondents 6 to 12 and 17 submitted that the SIDCO had issued allotment order and in view of the same, no license is required for running the business and submitted that this writ petition is not maintainable.



W.P.No.26379 of 2017

WEB CODE

8. From the materials on record, it is seen that the respondents 1 and 3 /SIDCO have informed the petitioner that they have permitted establishment of bunk type shops for selling essential items like snacks, cool drinks, etc. and the license granted by the Corporation is not available with them. On the other hand, learned counsel appearing for the 2nd respondent submitted that Corporation has not issued any license to the respondents 6 to 17. Due to the business being carried on by the respondents 6 to 17, free flow of traffic is affected and the Corporation Officials and police have already instructed them not to park the vehicles in the service lane. The respondents 1 and 3 have not given the particulars of persons to whom permission is granted to run the petty shops.

9. In view of the above, the respondents 6 to 17 are directed to produce the allotment order issued by the respondents 1 and 3/SIDCO and license if any issued by the respondents 2 and 4 within two weeks from the date of receipt of a copy of this order before the respondents 1 to 4. If there is no allotment order or license issued by the Corporation, the respondents 1 to 4 are directed to remove the petty shops of the respondents 6 to 17 within four weeks thereafter.



W.P.No.26379 of 2017

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

WEB COPY

(V.M.V.,J.) (V.L.N.,J.)

Index : Yes/No
Neutral citation : Yes/No
gya

27.02.2023

To

1.The Managing Director
Tamil Nadu Small Industries Development Corporation Ltd.
Corporate Office Building
Thiru-Vi-Ka Industrial Estate
Guindy, Chennai 600 032

2.The Commissioner
Corporation of Chennai
Rippon Building
Park Town, Chennai 600 003

3.The Branch Manager
Tamil Nadu Small Industries Development Corporation Ltd.
Corporate Office Building
Thiru-Vi-Ka Industrial Estate
Guindy, Chennai 600 032

4.The Assistant Revenue Officer
Revenue Department
Corporation of Chennai
No.115, Dr.Muthulakshmi Salai
Adyar, Chennai 600 020



WEB COPY



W.P.No.26379 of 2017

V.M.VELUMANI, J.
AND
V.LAKSHMINARAYANAN, J.

gya

W.P.No.26379 of 2017

27.02.2023