



W.P.No.418 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2024

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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- 1.P.Nandhagopal
- 2.S.James
- 3.J.Muthulakshmi
- 4.L.Mariyappan
- 5.P.Dhanapal
- 6.M.Palanisamy
- 7.N.Jayalakshmi
- 8.M.Kathavarayan
- 9.Bakkeer Moideen
- 10.D.Velankanni
- 11.M.Ramamoorthy
- 12.S.Marks
- 13.N.Revathi
- 14.S.Robert

.. Petitioners

VS

- 1.The Chief Engineer,
Highways, Construction and Maintenance,
Guindy, Chennai-25.
- 2.The Divisional Engineer,
Highways, Construction and Maintenance,
Saidapet, Chennai-15.



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3.The Assistant Divisional Engineer,
Highways, Construction and Maintenance,
Tambaram,
Chennai-45.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents to permit the petitioners to do small business through petty and mobile shops at 200 feet radial road Pallavaram to Eachankadu.

For the Petitioners : Mr.C.Prakasam

For the Respondents : Mr.Abhishek Murthy
Government Advocate

ORDER

(Order of the court was made by the Hon'ble Chief Justice)

We have heard Mr.C.Prakasam, learned counsel for the petitioners; and, Mr.Abhishek Murthy, learned Government Advocate for the respondents.

2. Learned counsel for the petitioners submits that the petitioners were running petty shops and the shops were not situated on the highway. After the highway, there is a service



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road. After the service road, there was some space. In that place, the petitioners were doing their business by installing petty shops. The respondent authorities, without any authority and without adhering to due process of law, demolished the petty shops of the petitioners.

3. Learned Government Advocate submits that the provisions of law were adhered to. Section 28(2) of the Tamil Nadu Highways Act, 2001 was followed while removing the encroachments.

4. On highway, the petitioners certainly cannot be permitted to carry on business. It appears that the business of the petitioners was in the nature of hawking. The petitioners may request the local authority for space in an appropriate hawking zone or such other appropriate place for their shops, which application would be considered by the local authority on its own merits.



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5. With these observations, the writ petition is disposed of.

There shall be no order as to costs. W.M.P.No.448 of 2024 filed by the petitioners to permit them to file a single writ petition is allowed and disposed of.

(S.V.G., C.J.)

(D.B.C., J.)

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Index : Yes/No
Neutral Citation : Yes/No
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THE HON'BLE CHIEF JUSTICE
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