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W.A.No.1931 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2024

CORAM

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA**

**W.A.No.1931 of 2018
and
C.M.P.No.15533 of 2018**

Mr.Lingan

... Appellant

-Vs-

1. K.K.Gopinath

2. Mohd.Ansari

3. The Corporation of Chennai,
Represented by its Commissioner,
Rippon Buildings,
Poonamallee High Road,
Chennai.

4. The Zonal Officer,
Zone - IX,
Lake View Area,
Nungambakkam,
Chennai - 600 034.

... Respondents

(R4 impleaded vide Court order dated 29.04.2021 by
MMSJ and RNMJ in C.M.P.No.16408 of 2018 in
W.A.No.1931 of 2018)

PRAYER : Writ Appeal filed under Clause 15 of Letters Patent, to set aside the



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order passed in W.P.No.6494 of 2014 dated 02.08.2018 and allow this appeal.

For Appellant : Mr.L.Chandra Kumar
For Respondents : Mr.A.R.Karunagaran for R1
Mr.A.S.Rahul Adhithya
for Ms.P.T.Ramadevi
Standing Counsel for R3 & R4

J U D G M E N T

(Judgment of the Court was delivered by **R.SURESH KUMAR, J.**)

This intra-Court appeal has been directed against the order passed by the writ Court dated 02.08.2018 made in W.P.No.6494 of 2014.

2. That the appellant was the second respondent, against whom, action was initiated by the respondent Corporation to remove his bunk shop, as against which, when the respondents 1 and 2 approached the writ Court, the writ petition was ordered by giving time till 31.08.2018 to the appellant / second respondent to remove such bunk shop. However, the appellant claims to have been continuously running the bunk shop.

3. Now the development is that, the Town Vending Committee has been reconstituted by issuance of Government Order in G.O(4D)No.29, Municipal



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Administration and Water Supply (MC.2) Department, dated 07.08.2023.

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4. By virtue of the reconstitution of the committee, it is the contention of the learned counsel appearing for the appellant that, the appellant has to make a fresh application in the prescribed format to the committee and let the committee decide such application to be filed by the appellant, till such time, the status quo with regard to the running of the bunk shop by the appellant shall not be disturbed.

5. With regard to the said submission made by the learned counsel appearing for the appellant, Mr.A.S.Ragul Adhithya, learned counsel appearing for the respondent Corporation would submit that, since the new Town Vending Committee has been constituted, before whom, let the appellant make an application in the prescribed format and once such application is made, that would be considered and decided by the committee on merits and in accordance with law. Till such time, status quo with regard to the present bunk shop would not be disturbed.

6. Having regard to the said submission made by the learned counsel appearing for both sides, this Court is inclined to dispose of the writ appeal with



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the following directions:

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(i) It is open to the appellant to make an application in the prescribed format to the Town Vending Committee which has been newly constituted, within a period of two weeks from the date of receipt of a copy of this order.

(ii) On receipt of such application in the prescribed format, the Town Vending Committee shall consider the same and decide it on merits and in accordance with law, within a period of two months thereafter.

(iii) Till such time, if the appellant is running the bunk shop in the present location, it shall not be disturbed.

7. With these directions, this Writ Appeal is disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(R.S.K., J.) (A.D.J.C., J.)
08.08.2024
(1/2)

NCC : Yes / No
Index : Yes / No
Speaking Order : Yes / No

vji

To



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