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W.P. No.13680 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:04.07.2024

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.13680 of 2024

D. Sathish

....Petitioner

..Vs..

1. The Commissioner,
Corporation of Chennai, Repon Buildings,
No.1131, EVR Periyar Salai, Park Town,
Park Town, Chennai – 600 003.
2. Chennai Metropolitan Development Authority,
Represented by its Member Secretary,
Thalamuthu Natarajan Maaligai,
No.1, Gandhi Irwin Road, Egmore, Chennai – 600 008.
3. The Assistant Executive Engineer,
Corporation Office,
Zone-5, Ward-62, Chintadripet, Chennai – 600 002.
4. The Assistant Executive Engineer,
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
No.5, Lafond Street, 110-33-11 KV SS Complex,
Chintadripet, Chennai – 600 002.
5. The Inspector of Police,
F1, Chintadripet Police Station, Chintadripet, Chennai – 600 002.



W.P. No.13680 of 2024

WEB COPY

6. Mr. Suresh,

7. Selvarani,

8. Ramakrishnan

....Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking for a Writ of Mandamus forbearing the 1st respondent from disturbing peaceful possession of the petty shop run by the petitioner which is in front of the property located at No.33/66, Agraharam Street, Chintadripet, Chennai – 600 002 and pass orders accordingly.

For petitioner	: Mr. Jai Sri Narayanan
For Respondents	: Mr.D.B.R. Prabhu for R1
	(Standing Counsel for Chennai Corpn.)
	: Mr. P. Veena Suresh for R2
	: Mr.C.E. Pratap for R5
	(Govt. Advocate for Crl.Side)
	: Mr. R.V. Lakshmipathy for RR6to8

ORDER

This Writ petition has been filed seeking for a Writ of Mandamus forbearing the 1st respondent from disturbing peaceful possession of the petty shop run by the petitioner which is in front of the property located at No.33/66, Agraharam Street, Chintadripet, Chennai – 600 002 and pass orders accordingly.



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2. The case of the petitioner in a nutshell is as follows:

The petitioner has been running a small petty shop since the life time of his mother from the year 2000 and is selling all pooja items for the temple located adjacent to the shop. The shop is located in front of the residential building belonging to the respondents 6 and 7 for which the petitioner has been paying the monthly rent duly without any arrears to the 6th respondent. While the entire livelihood of the petitioner is based on this particular shop, the respondents 6 and 7 approached the petitioner to relocate the said shop for the new construction of the said premises and assured to allocate space for the shop after the construction. Even after construction of the house, they failed to handover the premises as promised. Further, it has been brought to the knowledge of the petitioner that the premises measuring about 200 Sq.ft belongs to Corporation to which the rent has been collected by the 7th respondent. While asking about it, the respondents 5 to 8 have verbally abused and criminally intimidated the petitioner. Hence, the Writ petition has been filed to issue Writ of Mandamus forbearing the 1st respondent from disturbing peaceful possession of the petty shop run by the petitioner which is in front of the



W.P. No.13680 of 2024

property located at No.33/66, Agraharam Street, Chintadripet, Chennai –
600 002 and pass orders accordingly.

3. The learned counsel for the petitioner submits that after receiving rent for more than 23 years for the said shop, the respondents 6 to 8 are now informing the petitioner that the space used for running the business was actually located in the land held by the Corporation. When resisted the same, the respondents 6 to 8 had verbally abused and criminally intimidated the petitioner. In this regard, the petitioner had lodged a complaint before the 5th respondent and subsequent representations have been sent to the respondents 1 to 3. However, there is no reply nor appropriate orders from the respondents 1 to 3. Hence, the petitioner has filed the present Writ petition seeking the relief as stated therein.

4. The learned counsel for the 5th respondent submits after having filed the status report that on the complaint of the petitioner, CSR No.119/2024 had been registered and enquiry had been taken up. Both parties have been called upon for the enquiry wherein there was no appearance on the side of the petitioner and owner of the land alone



W.P. No.13680 of 2024

appeared and gave a written submissions stating that the said place belongs to Corporation. Hence, the shop could not be built in the said premises because it would be illegal. Thus, the 5th respondent has filed the status report before this Court.

5.The learned counsel for the 1st respondent submits after having filed the status report that on the complaint of the 6th respondent, the site in question was inspected on 31.05.2024 and found that the petitioner herein has put up a steel structure admeasuring 60 Sq.ft in the road portion. Hence, the petitioner was directed to remove the steel structure put up in the road portion immediately, failing which the Greater Chennai Corporation will remove the same. Thereafter, the petitioner has removed the same on his own. Further, he informed the official that since the present Writ petition is pending before this Court, not to take any action till the disposal of the petition. Thus, the 1st respondent has filed the status report before this Court.

6. Heard both sides and perused the material available on record.



W.P. No.13680 of 2024

WEB COPY

7. Having considered the facts and circumstances of the case and submissions made by both parties, it is seen that the petitioner's shop has been put up in the road portion belonged to the Chennai Corporation. However, since the petitioner and his family is eking out their livelihood based on Flower business run in the said premises, the representations of the petitioner may be considered after having placed before the Stree Vendor Committee for allocation of shop to the petitioner in the manner known to law and pass appropriate orders as expeditiously as possible, preferably, within a period of two weeks from the date of receipt of copy of this order and take necessary action against the respondents 6 to 8 in the manner known to law for having let the premises for rent to the petitioner if it is true.

8. In view of the above direction, the Writ petition is disposed of. No costs.

04.07.2024

Index : Yes/No
Internet: Yes/No
Lbm



W.P. No.13680 of 2024

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W.P. No.13680 of 2024

V.BHAVANI SUBBAROYAN, J.,

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W.P.No.13680 of 2024

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