



Cont.P.No.2686 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2024

CORAM:

**THE HON'BLE MR.JUSTICE S.S.SUNDAR
and
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR**

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Achyutha

...Petitioner

vs.

Thiru.J.Radhakrishnan, I.A.S.,
The Commissioner, Greater Chennai Corporation,
Rippon Building,
Periyar EVR Salai,
Park Town, Chennai – 600 003.

...Respondent

Prayer: Contempt Petition filed under Section 11 of the Contempt of Court Act, to punish the respondent for willfully and wantonly to disobey the order passed by this Court in W.P.No.14461 of 2023 dated 04.05.2023 as per the Contempt of Court Act.

For Petitioner : Mr.D.Veerasekharan

For Respondent : Mr.D.B.R.Prabhu
Standing Counsel



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ORDER

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(Order of the Court was made by S.S.Sundar, J.)

This contempt petition is filed alleging wilful disobedience of the order passed by this Court dated 04.05.2023 in W.P.No.14461 of 2023.

2.In a writ petition filed by the petitioner for removal of unauthorized platform shops put up in front of the petitioner's building, this Court by order dated 04.05.2023 has passed the following order:

“3.The Writ Petition is disposed at the time of admission, without expressing any opinion on the merits of the case, by simply directing the 1st Respondent to consider and pass appropriate orders on the Petitioner's representations dated 23.03.2023 and 03.04.2023, within a period of twelve weeks from the date of receipt of a copy of this order, in accordance with law and on merits. It is needless to state that before taking any action to remove the alleged encroaches put up in front of the Petitioner's trust, notice shall be issued to the parties, concerned.”



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3.Pursuant to the directions of this Court, the petitioner also submitted a representation. Following the representation, the Assistant Engineer has also issued notice to the petitioner as regards the enquiry that had been proposed to be conducted by the respondent.

4.On behalf of the Corporation, the Commissioner has filed a status report pointing out that the Zonal Officer, Zone-X, Greater Chennai Corporation issued notice to the persons who are doing business in front of the petitioner's building, directing them to remove the temporary shops put up in front of the petitioner's building.

5.It appears that after receiving notice, the platform vendors having their business in the same vicinity who have put up temporary stalls have approached this Court in a batch of writ petitions. A Division Bench of this Court on 19.06.2024 has passed an interim order in the following lines:

“...2.Learned Standing Counsel for the respondent though has submitted that, under the Act and Rules with regard to street vending, though already it has been declared by the respondent



Corporation that the particular street is a non-vending zone, no document to that effect has been produced. He also fairly submitted that though such a decision has been taken, it is yet to be notified.

3.In as much as the said street has not been declared as a non-vending zone and already cards have been issued in favour of the petitioner in all cases, which shows the identity of the petitioner that they are running a shop in front of Shop No.14 of the street concerned for the past several years, we do feel that until the notification is issued declaring the said street as a non-vending zone and if it is declared and not implemented, till such time, the running of the shops by the petitioners need not be disturbed. In that view of the matter, there shall be an order of interim injunction.

4.Post the matter after four [4] weeks for filing a status report.

5.In the meanwhile, notice to the unserved respondents through Court as well as privately...”



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6.It is further stated by the learned counsel appearing for the respondent that the proposals sent by the authorities to declare the disputed street as a Non-Vending Zone is pending before the Committee.

7.It is now represented before this Court that depending upon the recommendation of the Committee, action will be taken to remove the unauthorised occupation since the respondent initiated action to the extent possible at this juncture and this Court has granted an order which would stare at them to take further action without a notification declaring the said disputed street as a Non-Vending Zone.

8.This Court finds there is no wilful disobedience to the orders passed by this Court earlier. Therefore, the Contempt Petition is closed in the absence of any wilful disobedience. However, this Court directs the respondent to take appropriate action if necessary on the basis of the recommendation of the Vending Committee. If the Vending Committee is constituted, the same shall take decision one way or the other within a period of twelve weeks from the date of receipt of a copy of this order.



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9.A copy of this order may also be circulated to the Vending
Committee.

10.With the above direction, this contempt petition is closed.

(S.S.S.R.,J.) (N.S.,J.)
24.06.2024

Index: yes/no
Speaking order:yes/no
Neutral Citation:yes/no
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