



WEB COPY



W.P.No.2404 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2025

CORAM :

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

W.P.No.2404 of 2024

Syed Mazheruddin,
S/o (Late) Janab. Syed Moinuddin sahib,
Chief Hereditary trustee & Mutawalli,
Dargah Hazrath Syed Moosa Sha Khaderi (R.A)
@ Mount Road Dargah,
No.824, Anna Salai, Chennai – 2.

..Petitioner

Vs.

1. The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai.
2. The Regional Deputy Commissioner,(North)
Greater Chennai Corporation,
No.62, Basin Bridge Road,
Old Washermanpet,
Chennai – 21.
3. The Zonal Officer (I/C),
Zone V/ Royapuram,
Greater Chennai corporation,
No.62, Basin Bridge Road,
Old Washermanpet,
Chennai – 21.



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4. The Executive Engineer,
Zone V/ Royapuram,
Greater Chennai corporation,
No.62, Basin Bridge Road,
Old Washermanpet,
Chennai – 21.
5. The Assistant Engineer,
Greater Chennai Corporation,
Veerabadran Street, Pudupet,
Chennai – 2.
6. The Commissioner of Police,
Greater Chennai Police,
No.132, Commissioner Office Building,
EVK Sampathy Road, Vepery,
Chennai – 600 007.
7. The Additional Commissioner of Police-Traffic,
Greater Chennai Police,
No.132, Commissioner Office Building,
EVK Sampathy Road, Vepery,
Chennai – 600 007.
8. The Joint Commissioner of Police- East,
Greater Chennai Police,
No.132, Commissioner Office Building,
Pantheon Road, Egmore,
Chennai – 600 008.
9. The Deputy Commissioner of Police (L&O),
Triplicane District,
F1, Police Station Campus, Arunachala Street,
Chindadripet,
Chennai – 2.
10. The Assistant Commissioner of Police (L&O),
Egmore Range F2, Police station campus,
Egmore, Chennai – 600 008.



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11. The Inspector of Police (L&O),
F-1, Police station, Arunachala Street,
Chindadripet, Chennai-2.
12. A.Saleema,
Platform Mount Road, Dargah,
Anna Salai, Chennai-2
Near No.835, Tamil Nadu Electricity Board,
Anna Salai, Chennai-2.
13. The National Highways Authority of India,
rep. by its Chairman, Principal Office,
G.5 and 6, sector 10, Dwarka,
New Delhi – 110 075
(R13 **deleted** as per order dt.12.03.205 in
W.P.No.2404/2024 by MSJ &KGTJ)
14. The Assistant Engineer,
The Tamil Nadu State Highways Department,
Saidapet, Chennai.
(R-14, impleaded as per order dated
11.12.2024 in WMP.19415/2024 in
W.P.No.2404/2024 by MSJ & KRSJ)

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents 1 to 6 to remove and prevent all encroachments, illegal hawking , begging and other illegal activities in the no hawkers zone on the platforms and pavements near Mount Road, Dargah on both sides at Nos.824 and 825 , Anna Salai, Chennai-2 as sought vide representations dated 30.11.2022, 11.02.2023 and 23.12.2023.



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For Petitioner : Mr.N.A.Nissir Ahmed
for Mrs.I.Kowser Nissar

For Respondents : Mr.A.Arun Babu,
Standing Counsel for R1 to R5
Mr.A.Gokulakrishnan,
Addl.P.P. for R6 to R11
Mr.M.Hussain Basha, for R12
R13- deleted
Mr.A.Selvendran,
Spl.G.P for R14

ORDER

S.M.SUBRAMANIAM,J.

Writ of Mandamus has been instituted to direct the respondents 1 to 6 to remove and prevent all encroachments.

2. The Executive Engineer, Zone-V, Greater Chennai Corporation filed an additional status report stating that the 12th respondent namely Ms. A.Saleema, was present while taking enumeration of hawker by the agency at that locality. 12th respondent was issued with hawking card. However, she is running business in the Non-Vending Zone. Under these circumstances, the Corporation officials have stated that space will be allotted to the 12 respondent in the Vending Zone by Town Vending Committee.

3. Place or a particular space for vending cannot be claimed as an



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absolute right. Corporation has now identified the vending zone in order to protect free flow of vehicular traffic and to protect the road users. Thus, the hawkers in Non-Vending Zone is impermissible and the authorities are empowered to initiate action to remove all illegal hawkers in streets as well as other encroachments. The livelihood of the 12th respondent is protected and the Corporation has already issued hawking card to her and stated that space will be allotted in the Vending Zone by the Town Vending Committee. That being the factum, Corporation authorities with the assistance of police is directed to remove the encroachments in the particular locality and ensure free flow of traffic as well as footpath for walkers etc. Removal of encroachments in Non-Vending Zone are directed to be done within a period of eight weeks from the date of receipt of a copy of this order.

4. With the above directions, the Writ Petition stands disposed of. No costs.

(S.M.S.,J.) (C.K.,J.)
18.12.2025

vsi
Index:Yes/No
Speaking/Non-speaking order
Neutral citation

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