

W.P.No.5646 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2025

CORAM

THE HON'BLE MR.JUSTICE **J.SATHYA NARAYANA PRASAD**

W.P.No.5646 of 2025

Anna Sirukkadai Vyabarigal Pothunala
Rep.by its President,
K.Jayaraman

... Petitioner

vs.

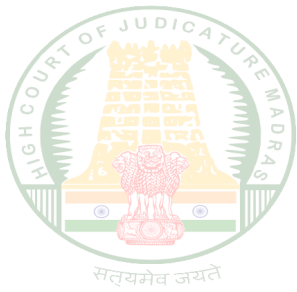
1. The General Manager Southern Railway,
DRM Building, Park Town,
Chennai 03.

2. The Greater Chennai Corporation,
Rep.by the Commissioner,
Ripon Building,
Chennai 600 003.

3. Saroj Kumar

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus forbearing the 1st and 2nd respondents from interfering with the possession of the Members of the petitioner's sangam in respect of Shop Nos.5 to 9 in South Mint Street, Park Town, Chennai pending representation of the petitioner dated 10.02.2025.



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For Petitioner : Mr. M.Raja Sekhar

For R1 & R3 : Mr.K.Gunasekaran
Standing Counsel

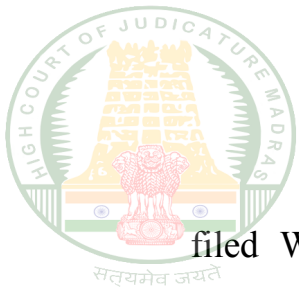
For R2 : Mr.S.Gopinathan
Standing Counsel

ORDER

By consent, the Writ Petition is taken up and disposed of at the admission stage itself.

2. The present writ petition has been filed to forbear the 1st and 2nd respondents from interfering with the possession of the Members of the petitioner's Sangam in respect of Shop Nos.5 to 9 in South Mint Street, Park Town, Chennai pending representation of the petitioner dated 10.02.2025.

3. It is the case of the petitioner that the petitioner's Sangam was registered under the Tamil Nadu Society Registration Act, 1975 vide Registration No.1336 of 2000 dated 15.12.2000 and consist of 170 of members. The object of the Sangam is to protect the rights of the petty traders on the pavements alongside Narayanappa Road, Chennai. There was a threat of removal by the respondent and hence the petitioner's Sangam



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filed W.P.No.6568 of 1999 before this Court and the counsel for the

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respondent filed a counter stating that the respective members of the petitioner's Sangam would be given separate number for the stalls and lease amount would be fixed at the rate of Rs.45/- p.m. Thereafter, the respondent insisted that the lease amount for the back period of two years and levied a sum of Rs.2,21,850/- by the communication dated 16.08.1999 for the period commencing from 01.04.1997 to 31.08.1999. Pursuant to the same, the petitioner's Sangam issued two cheques drawn on the Bank of State of Hyderabad dated 18.08.1999 for the said sum.

4. It is the further case of the petitioner that on 12.08.2024 , the respondent called for a meeting for upgrading Broadway bus stand and requested the members of the petitioner's Sangam to relocate their business in the northern side of BSNL Office till new shops are being constructed and handed over to the members Sangam. However, the petitioner's Sangam refused to relocate the same for the reasons that neither the tender for the project was called for by the 1st respondent for upgrading of the Broadway bus stand. Moreover, the petitioner's Sangam as of now consist of 25 active members who have got trade license, paying professional tax to the second respondent. Thereafter, the petitioner's Sangam has given two



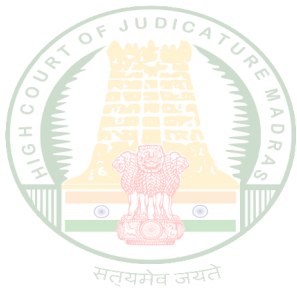
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representations dated 16.08.2024 and 09.09.2024 to the second respondent.

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Pursuant to the same, the petitioner's Sangam filed W.P.No.39494 of 2024 and the same was disposed on 23.01.2025. Thereafter, on 24.12.2024 shop nos.5 to 9 in South Mint Street, Park Town, Chennai was allotted to the members of the petitioner's sangam and the same was recorded in the above order. On 09.02.2025, the third respondent interfered with the possession of the petitioner's Sangam in respect of the above shops. Hence, the petitioner's Sangam sent a representation dated 10.02.2025 to the respondents 1 and 2. However, the third respondent stopped the members of the petitioner's Sangam from fencing the shop fully and the shops were fenced partially. Aggrieved by the same, the petitioner has filed the present writ petition.

5. The learned counsel appearing for the petitioner submitted that there are five shops which have been allotted to the petitioner's Sangam. When the petitioner's sangam started fencing their shops allotted to its members, the same was objected by the first and third respondent Railways. In this regard, he has also given a representation dated 10.02.2025 to the respondents 1 and 2 not to interfere with the possession of the shop nos.5 to 9 of the members of the petitioner's sangam and the same was not considered till date.



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WEB COPY 6. The learned Standing Counsel appearing for the respondents 1 and 3 submitted that the representation of the petitioner's Sangam dated 10.02.2025 and the same will be considered on merits and in accordance with law, within a time frame stipulated by this Court.

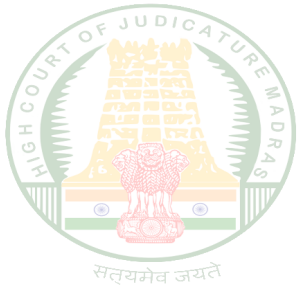
7. Heard the learned counsel appearing on either side and also perused the materials available on records.

8. In view of the submissions made by the learned counsel on either side, the first respondent is also directed to consider the representation of the petitioner's Sangam dated 10.02.2025 on merits, in accordance with law and pass appropriate orders, within a period of six weeks from the date of receipt of a copy of this order. The respondents 1 and 3 are also directed

J.SATHYA NARAYANA PRASAD,J.

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not to take coercive steps till the disposal of the representation of the petitioner's Sangam.



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WEB COPY 9. This writ petition stands disposed of with the above direction. No costs.

19.02.2025

Index : Yes/No.
Internet : Yes/No.
Neutral Citation : Yes/No
Speaking : Non-speaking Order
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To

1. The General Manager Southern Railway,
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Chennai 03.
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