

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2026

CORAM :

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

W.P.No.36085 of 2025 & W.M.P.No.40335 of 2025

S.Devi

.. Petitioner

Vs.

1. The Principal Secretary to Government
Environment, Climate Change and Forest Department
Secretariat, Fort St.George
Chennai – 600 009.

2. The Commissioner
Greater Chennai Corporation
Rippon Building, Chennai – 600 003.

3. The Zonal Officer
Greater Chennai Corporation
No.8, 4th Cross Street, Nungambakkam
Chennai – 600 034.

4. The Inspector of Police
D-6, Anna Square Police Station
Triplicane, Chennai – 600 005.

5. Kaviyarasu

6. Kalavathi

7. Jagadeesh

8. The Commissioner of Police
Chennai.

.. Respondents

(R8 impleaded *suo motu* vide order dated 24.09.2025
in W.P.No.36085 of 2025 by RSKJ & ADJCJ)

Prayer: Petition under Article 226 of the Constitution of India, praying for issuance of writ of mandamus, directing the second respondent to consider the representation dated 05.07.2025 requesting to issue a shop for the petitioner and relocate the same in the Marina Beach.

For Petitioner : Mr.S.Elankumaran

For Respondents : Mr.M.Suresh Kumar
Additional Advocate General
assisted by Dr.T.Seenivasan
Special Government Pleader
for R1

Mr.P.S.Raman
Advocate General
assisted by Mr.D.B.R.Prabhu
Standing Counsel
for R2 and R3

Mr.A.Gokulakrishnan
Additional Public Prosecutor
for R4 and R8

Mr.M.Madhuprakash
for R5 to R7

ORDER

(Order of the Court was made by R.SURESH KUMAR, J.)

We have passed a detailed order during the last hearing, that is on 02.01.2026, whereby, we made observations and have given certain directions to the following effect:-

"9. We feel that, there are three variety of items, which could be sold at the Marina Beach for the public who visit everyday, they are:-

- (i) Eatables;
- (ii) Toys and related goods; and
- (iii) Fancy goods or souvenirs, especially for the usage of children and women.

Except these three categories of items, no other goods are need to be sold at the Marina Beach, as any other materials to be sold at the Beach area is clearly an unwarranted exercise to be undertaken, as the Beach is not a shopping mall or a shopping bazaar, but, it is only for the purpose of being a recreational area for the public, especially, the children and women who visit the Beach in large numbers on the weekend and in holidays to have a glimpse of the beauty of the Marina Beach, which is considered to be the second longest Beach in the World.

10. We also feel that, in order to place these three types of goods, which we have mentioned above, such huge number of shops are not required and/or unwarranted. If a very minimum number of shops for selling each of the categories of items are permitted to be placed at the Marina Beach, that too, in an orderly manner, that will cater to the needs of the people who visit the Marina Beach and in that case, the beauty of the Marina Beach would no way be hampered.

11. That apart, in addition to the plan of the GCC to have three Blue Flag Areas, one more Blue Flag Area behind the Memorials of the Leaders also is proposed now, totaling to four Blue Flag Areas at Marina Beach and in all these Blue Flag Areas, there would not be any hawking activities and it is free of hawkers. The remaining area could be best utilized both for placing the shops in minimum numbers and the remaining area could be utilized by the general public to enjoy the beautiful atmosphere of the Beach.

12. Having these suggestions in mind, we further do feel that, the stakeholders, especially the GCC, in consultation with the other Agencies including

the State Government as well as the Greater Chennai Police Commissionerate and the District Revenue Officials can draw a draft plan of Shop Counting with considerably reduced number of shops in three categories, namely, (i) Eatables; (ii) Toys and related goods; and (iii) Fancy goods or souvenirs, especially for the usage of children and women. If this draft Shop Counting Map, with the provision of four Blue Flag Areas, is drawn and is filed before us, the same would be examined and further decisions could be arrived at.

13. In order to make these compliance and to file a revised draft plan, as indicated above, the GCC seeks a further week's time. Hence, post this matter on 08.01.2026 at 02.15 pm for such compliance."

2. In response to the said order, as well as the earlier orders, today, when the case is taken up for hearing, on behalf of the Greater Chennai Corporation¹, a re-drafted map/sketch has been filed, where, the total number of shops have been slightly modified, that means, reduced.

3. During the last hearing, it was stated on behalf of the GCC that, on the basis of the enumerated number through drone counting, there were 1417 shops, however, in today's shops counting, as projected in the re-drafted plan, the counting suggests 1006 shops in perpendicular rows throughout the entire stretch of Marina Beach.

¹ For brevity, hereinafter referred as "GCC".

4. We heard *Mr.P.S.Raman*, learned Advocate General and *Mr.M.Suresh Kumar*, learned Additional Advocate General and further, we discussed with the Commissioner of GCC.

5. Even in the re-drafted map/sketch, we find a very large extent almost in the middle of the Marina Beach stretch, which is in between Bharat Scout Road and Parthasarathy Temple. This area, approximately, according to the Commissioner of GCC, would be more than 100 acres. If this area is made as a larger Blue Flag Area, that will be more helpful to beautify the Marina Beach and thousands of people could freely move to enjoy the Beach atmosphere. In this large extent of more than 100 acres, if it is made as a Hawkers Free Zone, by providing all other facilities which are required or expected to be provided in the Blue Flag Area under the International Standard, that will enhance the glory and beauty of the Marina Beach further.

6. The development of this area as an additional Blue Flag Area by merging the proposed Blue Flag Area - II combinedly and making it a larger extent of Blue Flag Area - II would be a dire need and this would be apart from the Blue Flag Area - I that has already been commenced as well as the Blue Flag Area - III which is

going to be established at an extent of approximately 35 acres behind the Memorials of various Leaders.

7. If all these three Blue Flag Areas, as indicated above, are established and put to use with 100% Hawkers Free Zone, the lost glory and fame of Marina Beach, certainly, would be restored. In order to achieve this goal, we deem it appropriate to fix the maximum number of shops to be permitted at Marina Beach at an appropriate level, depending upon the need of selling of the three category of items which we have indicated in our last orders, that is, (i) eatables; (ii) toys; and (iii) fancy items and souvenirs.

8. Considering the space availability in the Marina Beach and also the required need of shops to be permitted at the Beach, only for the purpose of selling these three varieties of goods and eatables, we further deem it appropriate to restrict the number of shops to be permitted to be established at the Marina Beach as only 300. Out of these 300 shops, 100 shops would be allotted for each of these three categories of items, that is, 100 shops for eatables, 100 shops for toys and 100 shops for fancy and souvenirs. Further, it is open to the GCC and its Officials to make some alterations here and there in this counting based on the need of selling the items

among these three categories. For instance, for eatables, if 120 shops are required and for fancy items, if only 60 or 70 shops are considered to be enough to cater to the needs, the enumerated count could be readjusted accordingly.

9. These 300 shops could be located in the following three places: (i) the first stretch of Hawkers Zone, that is between the main-way leading to the Blue Flag Area - III, that is leading from the Labour Statue and starting of the largest Blue Flag Area - II which we have indicated hereinabove and (ii) the area beyond the Blue Flag Area - II up to the southern end of the Beach exactly behind the Lighthouse. (iii) in between the Blue Flag Area - I and Blue Flag Area - II, there is yet another area, where also these hawkers could be permitted.

10. Only in these three areas, the hawkers would be permitted and in these areas, how these 300 permitted shops could be located could be identified by the Corporation and accordingly, a plan could be drawn.

11. Since the number of total shops/hawkers are reduced to 300, the allotment method is none other than by drawing Lot and

for the purpose of conducting the Lot, we further deem it appropriate to entrust the job to the GCC, who should take this task only under the strict supervision of a Former Judge of this Court, who shall be appointed later.

12. The redrafting of the plan as per the number of shops indicated above as well as the three Blue Flag Areas shall be completed and the redrafted plan shall be filed before this Court during the next date of hearing. On verification of the same, once it is acceptable and approved, the drawing of Lot process could be undertaken and the same would also be indicated in our next order.

13. For the purpose of filing the redrafted plan, as directed above, post this matter on 20.01.2026 at 03.30 pm.

(R.S.K., J.) (A.D.J.C., J)
08.01.2026

Speaking Order
Neutral Citation:Yes
Internet:Yes
Index:Yes

Note: Issue order copy on 08.01.2026.

(drm)

To:

1. The Principal Secretary to Government
Environment, Climate Change and Forest Department
Secretariat, Fort St.George
Chennai – 600 009.
2. The Commissioner
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W.P.No.36085 of 2025

R. SURESH KUMAR, J.
AND
A.D.JAGADISH CHANDIRA, J.

(*drm*)

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