

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.JAICHANDREN

W.P.No.32149 of 2012

and

M.P.No.1 of 2012

Mansoor Ahmed

.. Petitioner

vs.

1.The State Commissioner for
Differently Abled,
O/o.State Commissioner for Differently Abled,
Nehru Inner Ring Road,
K.K.Nagar, Chennai - 600 078.

2.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to consider and pass orders on the petitioner's representation dated 01.11.2012 in the light of the orders passed in W.P.No.20935 of 2010 dated 12.11.2010 and till final decision is taken, not to disturb the running of the petitioner's shop situated at Parson Complex, Opposite to Vijaya Tower, M.G.R. Salai, Nungambakkam, Chennai - 600 034, by selling coffee, tea and allied food items.

For petitioner : Mr.R.Kamaraj

For 1st respondent : Mr.R.Ravichandran,
Additional Government Pleader

For 2nd respondent : M/s.Karthika Ashok

ORDER

Heard the learned counsels appearing for the parties concerned.

2. This Writ Petition has been filed praying that this Court may be pleased to issue a Writ of Mandamus directing the second respondent to consider and pass appropriate orders on the representation of the petitioner, dated 01.11.2012.

3. The petitioner has stated that he is a physically handicapped person. He is running a Bunk Shop, at Parson Complex, Opposite to Vijaya Tower, M.G.R.Salai, Nungambakkam, Chennai, for over 3 years.

4. It has been further stated that the petitioner is selling tea, coffee, and other eatable items. In such circumstances, the petitioner had submitted a representation, dated 01.11.2012, for granting licence to the petitioner, to run the Bunk Shop.

5. At this stage of the hearing of the Writ Petition, the learned counsels appearing for the respondents had placed before this Court an order of the First Bench of this Court, dated 3.9.2015, made in W.P.No.18677 of 2014, etc., batch. In the said order, the First Bench of this Court had directed the State Government to form a Town Vending Committee to consider the applications made for the granting of licences to run the Bunk Shops, as per the provisions of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014. Certain other directions had also been issued in the said order. The learned counsels had further submitted that it would be open to the petitioner to make an appropriate application before the Town Vending Committee, as and when it is formed for the issuance of licences to run the Bunk Shops. The directions issued by the First Bench of this Court, by its order, dated 3.9.2015, would be followed by the respondents, with regard to the running of the Bunk Shops.

6. In view of the submissions made by the learned counsels appearing for the parties concerned, this Court finds it appropriate to permit the petitioner to make an appropriate application before the Town Vending Committee, as and when it is formed by the State Government, as per the provisions of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, for the issuance of licence to run the Bunk Shop in question. On such application being made by the petitioner, the Committee concerned may pass appropriate orders, considering the claims of the petitioner. However, if the respondents find that the Bunk Shop is being run in an unhygienic manner or if it is obstructing the use of pathway of the pedestrians, or if it is being run in an illegal manner, it would be open to the respondents to issue a show cause notice and to take appropriate action, taking into account the directions issued by the First Bench of this Court, in its order, dated 3.9.2015, made in W.P.No.18677 of 2014, etc., batch.

7. Accordingly, the Writ Petition is disposed of, with the above directions. No costs. Connected M.P.No.1 of 2012 is closed.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

asvm

To

1.The State Commissioner for
Differently Abled,
O/o.State Commissioner for Differently Abled,
Nehru Inner Ring Road,
K.K.Nagar, Chennai - 600 078.

2.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai.

+1 cc to Mr.R.Kamaraj, Advocate, sr.59435

+1 cc to M/s.Karthikaa Ashok, Advocate, sr.58466

+1 cc to The Government Pleader, sr.58836

W.P.No.32149 of 2012
and
M.P.No.1 of 2012

tm co
kra 25.11.2015

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