

In the High Court of Judicature at Madras

Dated: 27.10.2015

Coram:

The Hon'ble Mr.Justice M.Jaichandren

Writ Petition No.26016 of 2012

S.Bharathi

..Petitioner

Vs.

1.The State Commissioner for Differently Abled,
Chennai.

2.The Commissioner,
Corporation of Chennai,
Chennai.

3.The Commissioner of Police,
Egmore, Chennai.

..Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus, calling for the records relating of the 2nd respondent in No.ZO.IX/012707/2012 dated 1.9.2012 and quash the same and forbear the 2nd respondent his men servants from interfering the petitioner bunk shop business of selling coffee tea and other allied eatable near to Tamil Nadu Electricity Board, Kodambakkam High Road, Chennai-34, and further direct the 2nd respondent to grant licence for the running the bunk shop.

For petitioner : Mr.L.Chandrakumar

For respondents : Mr.P.Chinnadurai, GA for R1-R3
Dr.C.Ravichandran for R2

O R D E R

Heard the learned counsels appearing on behalf of the parties concerned.

2. The petitioner seeks to quash the proceedings of the 2nd respondent, dated 1.9.2012, by which the request of the

petitioner to grant a licence, to run a bunk shop, near the Tamil Nadu Electricity Board, Kodambakkam High Road, Chennai, had been rejected.

3. According to the petitioner, she is a physically handicapped person and that she is selling coffee, tea and other eatables in the said bunk shop, in a hygienic manner. However, the 2nd respondent had passed the impugned order rejecting the request of the petitioner for the grant of a licence, to run the bunk shop.

4. A counter affidavit had been filed by the 2nd respondent stating that, on a physical spot verification made by the zonal officials, it was found that the bunk shop is being run by a third party, who is not a physically handicapped person. It has also been stated that the bunk shop, in question, is on the footpath, near the Tamil Nadu Electricity Board, on Kodambakkam High Road. The bunk shop is affecting the movement of the pedestrians and that there is no proper drainage arrangement made in the bunk shop. It has also been stated that the bunk shop is being run in an unhygienic manner, without any valid licence.

5. At this stage of the hearing of the Writ Petition, the learned counsel appearing on behalf of the respondents had placed before this Court, the order, dated 3.9.2015, made in W.P.No.18677 of 2014, etc. batch, and had submitted that a Town Vending committee would be constituted by the State Government, as per the provisions of the Street Vendors [Protection of Livelihood and Regulation of Street Vending] Act, 2014, and that action would be taken, based on the decisions made by the said Committee, as per the directions issued by this Court, in its order, dated 3.9.2015, made in W.P.No.18677 of 2014, etc. batch.

6. In view of the submissions made by the learned counsel appearing on behalf of the respondents, the learned counsel appearing on behalf of the petitioner had submitted that an appropriate application would be made before the Town Vending Committee, as and when it is found. The learned counsel had also submitted that, in the event of such application being made, the Town Vending Committee may be directed to consider her application and to pass orders thereon.

7. In view of the submissions made by the learned counsels appearing on behalf of the parties concerned, the petitioner is permitted to make an 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. 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 the pathway of the pedestrians or if it is being run in an illegal manner, as alleged in the counter affidavit, 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 this Court, in its order, dated 3.9.2015, made in W.P.No.18677 of 2014, etc. batch.

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

gs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

- 1.The State Commissioner for Differently Abled,
Chennai.
 - 2.The Commissioner,
Corporation of Chennai,
Chennai.
 - 3.The Commissioner of Police,
Egmore, Chennai.
- + 1 cc to The Govt. Pleader, Sr 58619.

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