

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2015

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THE HON'BLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.27722 of 2012

V.Rajkumar

.. Petitioner

vs.

1. The State Commissioner
for Differently abled
o/o. State Commissioner
for Differently abled
Thousand Lights
Chennai - 600 006

2. The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai - 600 003

.. Respondents

This writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the second respondent to consider and pass orders on the petitioner's representation dated 1.10.2012 in the light of the orders dated 21.12.2010 passed in W.P.No.28789 of 2010 and till final decision is taken, not to disturb the running of the petitioner's bunk shop situated at Dr. M.G.R. Salai, opposite to electricity board office, Nungambakkam, Chennai-34.

For petitioner : Mr.R.Subburaj

For respondents : Mr.P.Chinnadurai
Government Advocate for R1
M/s.R.Arunmozhi for R2

O R D E R

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 1.10.2012.

3. The petitioner has stated that he is a physically handicapped person. He is running a Bunk Shop, at Dr.M.G.R. Salai, opposite to the Electricity Board Office, Chennai, for over 19 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 1.10.2012, for granting of 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 the 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.

Accordingly, the writ petition is disposed of, with the above directions.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To:

1. The State Commissioner for Differently abled
o/o. State Commissioner for Differently abled
Thousand Lights
Chennai - 600 006
2. The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai - 600 003

+1cc to Mr.R. Arunmozhi, Advocate, S.R.No.58361

+1cc to the Government Pleader, S.R.No.58609

CTK(CO)
EU(27/11/2015)

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