

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.03.2016

Coram

The Hon'ble Mr. Justice T.S. Sivagnanam

Writ Petition No.10770 of 2016

and

W.M.P.No.9423 of 2016

M.Sengeni

...Petitioner

Vs.

1. The Government of Tamil Nadu,
rep. by its Secretary Local Administration Department,
Secretariat, Fort St. George,
Chennai - 600009.
2. The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai - 600003.
- 3 The Commissioner of Police,
Greater Chennai,
EVK Sampaty Road,
Vepery, Chennai -7.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the second respondent to consider and pass orders on the the petitioner's representation, dated 26.02.2016, as per the provisions of Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, and till final decision is taken thereon, forbearing respondents and their subordinates in any manner, evicting or disturbing the bunk shop run by the petitioner at Smith Street, near Sundaram Finance, opposite to Orient Blocksvan, Chennai - 600 002.

For Petitioner : M/s.S.Pushpakaran

For Respondent-1 & 3 : Mr.R.Rajeswaran
Special Government Pleader

For Respondent-2 : Mr.P.V.Selvakumar
Standing Counsel

O R D E R

With the consent of parties, the main Writ Petition is taken up for final disposal, at the stage of admission itself.

2. This Writ Petition has been filed for the following relief:-

To issue mandamus upon the second respondent to consider and pass orders on the the petitioner's representation, dated 26.02.2016, as per the provisions of Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act 2014, and till final decision is taken, forbearing respondents and their subordinates in any manner, evicting or disturbing the bunk shop run by the petitioner.

3. At the outset, the learned counsel appearing for the petitioner submitted that this Court, in identical matter, viz., in W.P.No.39603 of 2015, dated 16.12.2015, filed by one M.Rajendran, seeking for the very same relief, disposed of the Writ Petition by issuing certain directions to the second respondent, (who is also the second respondent herein) to consider the petitioner's representation, a copy of which has been annexed at Page No.80 of the typed-set of papers filed in connection with this Writ Petition. Therefore, the learned counsel submitted that, following the said order, the present Writ Petition may be disposed of, on the same lines. At this stage, it would be beneficial to quote the operative portion of the earlier order, dated 16.12.2015, which is as hereunder:-

"Without expressing any opinion on the merits of the case, the Writ Petition is disposed of with a direction to the second respondent to consider he representation of the petitioner, dated 17.10.2015, on merits and pass appropriate orders thereon, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. Till such time, the second respondent passes appropriate orders, the petitioner shall not be dispossessed from the place."

4. Heard Mr.R.Rajeswaran, the learned Special Government Pleader, who accepts notice on behalf of first and third respondents and Mr.P.V.Selvakumar, learned Standing Counsel, who accepts notice for the second respondent.

5. In the light of the earlier order, dated 16.12.2015, passed in W.P.No.39603 of 2015, the present Writ Petition is disposed of, by directing second respondent to consider the representation of the petitioner, dated 26.02.2016, on merits

and pass appropriate orders thereon, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. Till the second respondent passes appropriate orders, the petitioner shall not be dispossessed from the place. No costs. Consequently, connected Miscellaneous Petition is closed.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1. The Secretary Local Administration Department,
The Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai - 600009.
2. The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai - 600003.
3. The Commissioner of Police,
Greater Chennai,
EVK Sampaty Road,
Vepery, Chennai -7

+1 cc to Government Pleader sr.18695/16
+1 cc to Mr.P.V.Selvakumar Advocate sr.18583/16
+1 cc to Mr.S.Pushpakaran Advocate sr.18517/16

सत्यमेव जयते
Writ Petition No. 10770 of 2016

aa07/04/2016

WEB COPY