

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2016

CORAM

THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM

Writ Petition No.13767 of 2016
and
W.M.P.No.12072 of 2016

K.Senthilkumar

... Petitioner

Vs.

1. The Government of Tamil Nadu,
rep. by its Secretary Local
Administration Department,
Secretariat, Fort St. George,
Chennai - 600009.

2. The Commissioner of Corporation,
Corporation of Chennai,
Rippon Buildings,
Chennai - 600003.

3. The Commissioner of Police,
Greater Chennai,
EVK Sampath 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 29.03.2016, 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 the respondents and their subordinates in any manner, evicting or disturbing the bunk shop run by the petitioner in front of Bharath Rathna Dr.B.R.Ambedkar Telephone Employees Quarters, opposite to State Bank of India E Corner, Taylors Road, Kilpauk, Chennai - 600 010.

For Petitioner : M/s.N.Jothilakshmi

For Respondents 1 & 3 : Mr.J.Balagopal
Additional Government Pleader

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

O R D E R

Heard M/s.N.Jothilakshmi, the learned counsel appearing for the petitioner, Mr.J.Balagopal, the learned Additional Government Pleader, accepting notice for first and third respondents and Mr.P.V.Selvakumar, learned Standing Counsel, accepting notice for second respondent. 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 seeking for issuance of a writ of mandamus to direct the second respondent to consider and pass orders on the petitioner's representation, dated 29.03.2016, as per the provisions of Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act 2014, and till final decision is taken, to forbear the 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, and a copy of the said order 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 relevant portion of the earlier order, dated 16.12.2015, which reads as follows:-

"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 the 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. Thus, 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 29.03.2016, on merits and pass appropriate orders 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 orders, the petitioner shall not be dispossessed from the place. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary Local
Administration Department,
Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai - 600009.

2. The Commissioner of Corporation,
Corporation of Chennai,
Rippon Buildings,
Chennai - 600003.

3. The Commissioner of Police,
Greater Chennai,
EVK Sampath Road,
Vepery, Chennai -7.

+1cc to Mr.N.Jothilakshmi, Advocate, S.R.No.24064
+1cc to Mr.P.V.Selvakumar, Advocate, S.R.No.23270
+1cc to the Government Pleader, S.R.No.23460

Writ Petition No.13767 of 2016

NM(CO)
CA(09/05/2016)