

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH
and
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

Writ Petition Nos.30266 to 30268 of 2016
and WMP.Nos.26254 to 26256 of 2016

A.Mani ...Petitioner in W.P.No.30266 of 2016
A.Renuka ...Petitioner in W.P.No.30267 of 2016
SeenivasanPetitioner in W.P.No.30268 of 2016

Vs.

- 1.The State Commissioner for
Differently Abled
O/o.State Commissioner for Differently Abled
J.N.Ring Road
Chennai-600 078
- 2.The Secretary to Government
Local Administration Department
Government of Tamil Nadu
Fort St.George
Chennai-600009
- 3.The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai-600 003 ...Respondents 1 to 3
in all the above 3 WPs.
- 4.The Administrative Director
SIDCO Small Factory Industrial Estate
Ambattur, Chennai-600 058 ...4th Respondent
in W.P.Nos.30266 and
30267 of 2016

Prayer in W.P.30266 of 2016:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the 3rd and 4th respondent, their officials, servants from in any manner interfering with the running of the Petitioner's bunk shop at Rathna Nagar, Near Prestige Compound, opposite to Bharat, Chennai-600 018, by selling tiffin and meals

items, till the Township Vending Committee decides as per the provisions of the Street Vendors (Protection of Livelihood Regulation) Act.

Prayer in W.P.30267 of 2016:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the 3rd and 4th respondent, their officials, servants from in any manner interfering with the running of the Petitioner's bunk shop at No.112, 2nd Cross Street, Near Milk Cavis, Ambattur Industrial Estate, Chennai-600 058, by selling tiffin and meals items, till the Township Vending Committee decides as per the provisions of the Street Vendors (Protection of Livelihood Regulation) Act.

Prayer in W.P.No.30268 of 2016:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the 3rd respondent, their officials, servants from in any manner interfering with the running of the Petitioner's bunk shop at Rathna Nagar, Near Prestige Compound, opposite to Bharat, Chennai-600 018, by selling tiffin and foods items, till the Township Vending Committee decides as per the provisions of the Street Vendors (Protection of Livelihood Regulation) Act.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Ms.M.Lalitha, Govt.Advocate
for R1, R2 and R4
Mr.R.Arunmozhi, for R3

COMMON ORDER

(Order of the Court was made by HULUVADI G. RAMESH, J.)

Heard Mr.L.Chandrakumar, learned counsel for the petitioners, Ms.M.Lalitha, learned Government Advocate, accepting notice for respondents 1, 2 and 4 and Mr.R.Arunmozhi, learned Standing counsel accepting notice for the 3rd respondent.

2. In the Writ Petitions, it is averred that the Petitioners are Physically Handicapped (Differently Abled) persons and running bunk shop in the above mentioned respective sites. It is further averred that the 3rd and 4th respondent are trying to interfere with the running of their bunk shop and in this regard, they gave representation to the 3rd and 4th respondent setting out the facts that the Central Government has enacted "The Street vendors (Protection of Livelihood Regulation) Act, 2014" safeguarding the "Street Vendors" by regulating their business and the State Government has to form the Town Vending Committee which shall declare a Zone or part of which to be a no vending zone for any street purpose. It is also stated that as

per Section 43 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1994, they are having the statutory right to claim the right of business.

3. Now, the petitioners are before this court for a direction, forbearing the 3rd and 4th respondent, from interfering with the running of the Petitioners' bunk shop.

4. We have heard the learned counsel appearing on either side and perused the judgment of this court dated 03.09.2015 passed in W.P.No.18677 of 2014 batch, wherein, it is pointed out that the vendors have to await the decision of the constitution of the Committee, its policy and thereafter consideration by the Committee and thus they would have no threat in the mean time. The Division Bench of this court also directed the Corporation to take necessary action. This Court, however, directed the vendors/petitioners therein as under:-

"7. The petitioners are also not entitled to either increase the size of their bunk shops or to spread beyond the periphery of the bunk till their cases are considered."

5. Following the above judgment rendered in W.P.No.18677/2014-A.Sekar vs. The State Commissioner of Differently Abled Persons, we direct the respondents 1 to 3 to consider the case of the petitioners in the light of the above judgment (cited supra) and frame the policy and do the needful in accordance with law. We make it clear that the petitioners are not entitled to either increase the size of their bunk shop or to spread beyond the periphery of the bunk till their case is considered by the respondents on a policy decision.

6. The Writ Petitions are disposed of with the above direction. No costs. Consequently, connected WMPs are closed.

Sd/-
सत्यमेव जयते

Assistant Registrar(CS VII)

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Sub Assistant Registrar

nvsri

To

1.The State Commissioner for
Differently Abled

O/o.State Commissioner for Differently Abled
J.N.Ring Road
Chennai-600 078

2.The Secretary to Government
Local Administration Department
Government of Tamil Nadu
Fort St.George
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3.The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai-600 003

4.The Administrative Director
SIDCO Small Factory Industrial Estate
Ambattur, Chennai-600 058

3 ccs to M/s.L.Chandrakumar, Advocate, sr.49579,59578,59577
3 ccs to M/s.R.Arunmozhi, Advocate, sr.49330,49329,49328
1 cc to Government Pleader, sr.49822

Writ Petition Nos.30266 to 30268 of 2016

rp co
kra 16.09.2016



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