

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 No.30269 of 2016
and WMP.No.26257 of 2016

V.Lalitha

...Petitioner

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.

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 just opposite to DLF Company, near to AXIS Bank, Moon Light Shop, Poonamallee Road, Ramapuram, Chennai-600 089, by selling tea, coffee and other food items, till the Township Vending Committee decides as per the provisions of the Street Vendors (Protection of Livelihood Regulation) Act.

For Petitioner : Mr.R.Kamaraj

For Respondents : Ms.M.Lalitha, Govt.Advocate
for R1 and R2
Mr.V.C.Selvasekaran for R3

O R D E R

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

Heard Mr.R.Kamaraj, learned counsel for the petitioner, Ms.M.Lalitha, learned Government Advocate, accepting notice for respondents 1 and 3 and Mr.V.C.Selvasekaran, learned Standing counsel accepting notice for the 3rd respondent.

2. In the Writ Petition, it is averred that the Petitioner is a Physically Handicapped (Differently Abled) person and running a bunk shop in the above mentioned site. It is further averred that the 3rd respondent and his officials are trying to interfere with the running of her bunk shop and in this regard, she gave representation to the 3rd 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, she is having the statutory right to claim the right of business.

3. Now, the petitioner is before this court for a direction, forbearing the 3rd respondent, from interfering with the running of the Petitioner's 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 petitioner 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 petitioner is not entitled to either increase the size of her bunk shop or to spread beyond the periphery of the bunk till her case is considered by the respondents on a policy decision.

6. The Writ Petition is disposed of with the above direction. No costs. Consequently, connected WMP is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

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
Chennai-600009
- 3.The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai-600 003

1 cc to M/s.R.Kamaraj, Advocate, sr.49580

1 cc to Government Pleader, sr.49821

Writ Petition No.30269 of 2016

nr co

kra 16.09.2016