

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.4062 of 2017

E.Loganathan

.. Petitioner

-vs-

1. The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai 600 003

2. The Zonal Executive Engineer
Zone No.6, Corporation of Chennai
(Chairperson, Street Vending Committee)
Chennai 600 003

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to consider and pass orders on the petitioner's representation dated 27.01.2017 as per the provisions of the Street Vendors (Protection of Livelihood Regulation) Act, 2014 made for granting permission / Certificate of Vending and till such time not to disturb with the running of the petitioner's Bunk shop at Ayanavaram ESI Hospital, Medavakkam Tank Road, ESI Hospital Compound, opposite to Church, Chennai 600 023.

For Petitioner :: Mr.R.Kamaraj

For Respondents :: Mr.P.V.Selvakumar

ORDER

The petitioner has come to this Court seeking issuance of a writ of mandamus, directing the respondents to consider his representation dated 27.01.2017, as per the provisions of the Street Vendors (Protection of Livelihood Regulation) Act, 2014, for granting permission / certificate of vending and till such time not to disturb with the running of the petitioner's bunk shop at Ayanavaram ESI Hospital, Medavakkam Tank Road, ESI Hospital Compound, opposite to Church, Chennai 600 023.

2. Learned counsel for the petitioner submitted that the petitioner, being a differently abled person, is running a bunk shop at Ayanavaram ESI Hospital, Medavakkam Tank Road, ESI Hospital Compound, opposite to Church, Chennai for the past several years by selling tea, coffee and food items in a hygienic manner and thereupon earning a meagre sum to eke out his livelihood. As his bunk shop no way disturbs the general public or the free flow of traffic, he has given a representation on 27.1.2017 to the second respondent requesting him to grant permission / certificate of vending for continuing his bunk shop business and a copy thereof was also sent to the first respondent. Since his representation has to be considered by the Street Vending Committee headed by the second respondent, the same requires to be considered. In similar circumstances, W.P.Nos.18677 of 2014 etc., were filed and this Court, while disposing of the said writ petitions by order dated 3.9.2015, has held that till the constitution of the Town Vending Committee, there shall be no threat with regard to the running of the bunk shops. In the present case, as the petitioner is apprehending interference from the respondents and if he is dispossessed without any notice, his livelihood would be totally smashed. Therefore a direction should be issued to the second respondent to consider his representation dated 27.1.2017, as per the provisions of the Street Vendors (Protection of Livelihood Regulation) Act, 2014 for granting permission / certificate of vending and till such time not to disturb the running of the petitioner's bunk shop in the place in question.

3. Mr.P.V.Selvakumar, learned standing counsel takes notice on behalf of the respondents.

4. The petitioner mentions in the affidavit that he has been running the bunk shop at Ayanavaram ESI Hospital, Medavakkam Tank Road, ESI Hospital Compound, opposite to Church, Chennai for several years. As held by the Hon'ble First Bench in its order dated 3.9.2015 in W.P.Nos.18677 of 2015 batch, whether a bunk shop is to exist or not, if it is to exist, at what location or whether there is need for some other measures of rehabilitation by regulated vending through other methodology are the aspects the committee would have to examine. Therefore, the second respondent-Zonal Executive Engineer, Zone No.6, Corporation of Chennai, who is the Chairperson, Street Vending Committee is hereby directed to consider and dispose of the petitioner's representation dated 27.1.2017 within a period of four weeks from the date of receipt of a copy of this order. The writ petition stands disposed of. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai 600 003
 2. The Zonal Executive Engineer
Zone No.6, Corporation of Chennai
(Chairperson, Street Vending Committee)
Chennai 600 003
- +1 CC to Mr.R.Kamaraj, Advocate Sr.No.11107.
- +1 CC to Mr.P.V.Selvakumar, Advocate Sr.No.10835

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CP(CO)
KP(01.03.2017)



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