

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.03.2017

CORAM:

THE HON'BLE MR.JUSTICE T.RAJA

W.P.No.5127 of 2017

Sampathkumar

..Petitioner

Vs.

1.The Commissioner,
Corporation of Chennai,
Ribbon Buildings,
Chennai-600 003.

2.The Chairperson,
Zonal Executive Engineer Zone IX,
(The Township Vending Committee),
Corporation of Chennai,
Nungambakkam,
Chennai-600 034.

.. Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus directing the respondents to consider and pass orders on the petitioner's representation dated 17.02.2017 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 Petitioner's Bunk shop at No.107, Harington Road Corner, Chetpet, Chennai-600 031.

For Petitioner

: Mr.E.Naveen

For Respondents

: Mr.P.V.Selvakumar

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O R D E R

The petitioner has come to this Court seeking issuance of a writ of Mandamus, directing the respondents to consider his representation dated 17.02.2017, as per the provisions of the Street Vendors (Protection of Livelihood Regulation) Act, 2014, for granting permission or Certificate of Vending and till such time not to disturb with the running of the petitioner's Bunk Shop at No.107, Harington Road Corner, Chetpet, Chennai-600 031.

2. Learned counsel for the petitioner submitted that the petitioner is a differently abled person having 40% permanent disability and he is running a bunk shop at No.107, Harington Road Corner, Chetpet, Chennai-600 031, for the past several years 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 17.02.2017 to the second respondent requesting him to grant permission or certificate of vending of 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 03.09.2015, 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 17.02.2017, as per the provisions of the Street Vendors (Protection of Livelihood Regulation Act), 2014, for granting permission or 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 No.107, Harington Road Corner, Chetpet, Chennai-600 031, for several years. As held by the Hon'ble First Bench in its order dated 03.09.2015 in W.P.No.18677 of 2015 batch, whether a bank 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 IX, Corporation of Chennai, who is the Chairperson, Township Vending Committee, is hereby directed to consider and dispose of the petitioner's representation dated 17.02.2017 within a period of four weeks from the date of receipt of a copy of his order.

5.With the above direction, the writ petition stands disposed of. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

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To

1.The Commissioner,
Corporation of Chennai,
Ribbon Buildings,
Chennai-600 003.

2.The Chairperson,
Zonal Executive Engineer Zone IX,
(The Township Vending Committee),
Corporation of Chennai,
Nungambakkam,
Chennai-600 034

+1cc to Mr.E.Naveen,Advocate sr.13362

+1cc to Mr.P.V.Selvakumar,Advocate sr.13167

W.P.No.5127 of 2017

lrs(co)
ss(7/4/2017)

सत्यमेव जयते

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