

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2017

CORAM

THE HON'BLE Mr.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE  
AND  
THE HON'BLE Mr.JUSTICE RMT.TEEKAA RAMAN

W.P.No.7268 of 2017  
and  
W.M.P.No.7923 of 2017

A.Gopal

... Petitioner

Vs

1.The Government of Tamil Nadu,  
Rep. by its Secretary,  
Local Administration Dept.,  
Secretariat, Fort St. George,  
Chennai 600 009.

2.The Commissioner,  
Corporation of Chennai,  
Rippon Buildings,  
Chennai 600 003.

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

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the second respondent to consider and pass orders on the petitioner's representation dated 27.02.2017 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 at Arcot Road, N.S.K. Road, in front of the compound wall of Bus Depot, Vadapalani, Chennai 600 026.

For Petitioner : Mr.K.Theagarajan Marthandan

For R1 and R3 : Mr.M.K.Subramanian,  
Government Pleader

For R2 : Mr.V.C.Selvasekaran

ORDER

(Order of the Court was made by THE HON'BLE ACTING CHIEF JUSTICE)

Heard the learned counsel appearing for the petitioner and Mr.M.K.Subramanian, learned Government Pleader for respondents 1 and 3 and Mr.V.C.Selvasekaran, learned counsel for the second respondent, who take notice on behalf of their respective parties.

2. The writ petition has been filed seeking issuance of a Writ of Mandamus directing the second respondent to consider and pass orders on the petitioner's representation dated 27.02.2017 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 at Arcot Road, N.S.K. Road, in front of the compound wall of Bus Depot, Vadapalani, Chennai 600 026.

3. The case of the petitioner is that he is running a bunk shop at Arcot Road in front of the compound wall of bus depot, Vadapalani, Chennai for several years and to protect his bunk shop, he had submitted a representation on 27.2.2017 to the second respondent and to seek redressal of his grievance, Street Vending Committee has also not yet been constituted, however, the respondents are resorting to remove the bunk shop and hence, the present writ petition has been filed.

4. Learned Government Pleader submitted that virtually, there is no bunk shop in existence and only under the guise of seeking protection of an existing bunk shop, the petitioner wants to put up construction by obtaining an order from this court.

5. The learned counsel for the petitioner still submits that there may be an order of status quo.

6. However, on a perusal of the records, it is noted that there is no bunk shop in existence and only by obtaining an order from this court, the petitioner is trying to put up a bunk shop. Be that as it may, now, the Vending Committee is constituted. Hence, If at all the petitioner has a genuine case, it may be considered by the said Committee, within a period of two months from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ssk

To

1.The Secretary to Government,  
Government of Tamil Nadu,  
Local Administration Dept.,  
Secretariat, Fort St. George,  
Chennai 600 009.

2.The Commissioner,  
Corporation of Chennai,  
Rippon Buildings,  
Chennai 600 003.

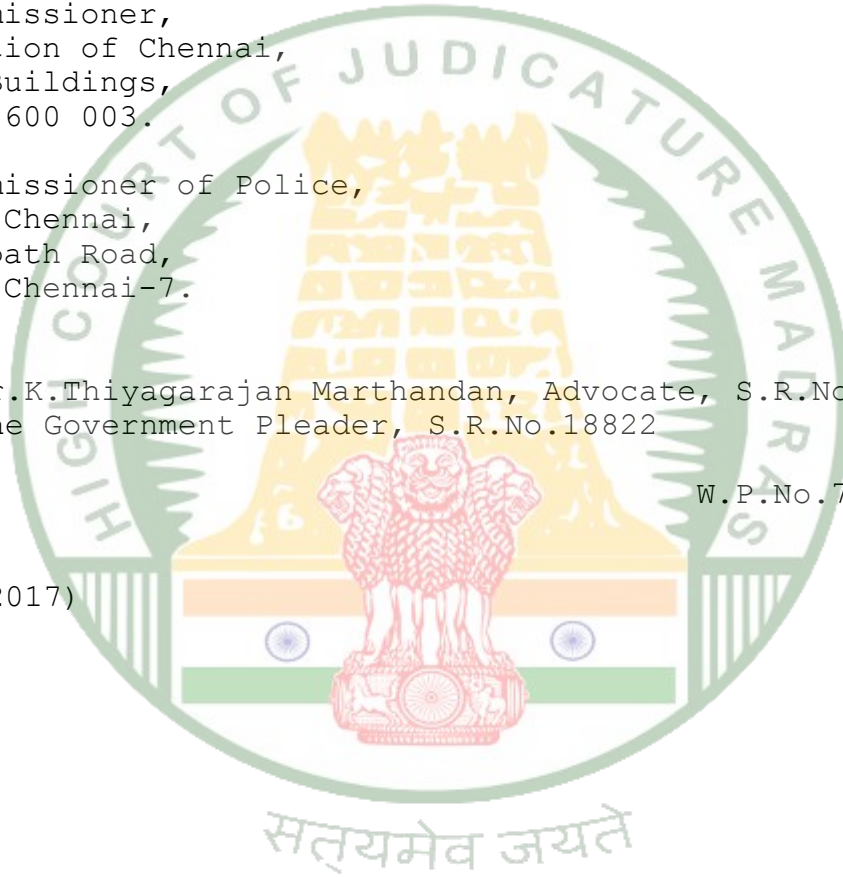
3.The Commissioner of Police,  
Greater Chennai,  
EVK Sampath Road,  
Vepery, Chennai-7.

+1cc to Mr.K.Thiyagarajan Marthandan, Advocate, S.R.No.18759

+1cc to the Government Pleader, S.R.No.18822

W.P.No.7268 of 2017

VG II(CO)  
CA(13/04/2017)



WEB COPY