

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2017

CORAM

THE HON'BLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.No.6565 of 2017
and
W.M.P.No.7061 of 2017

B.Kathiravan

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

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the second respondent to consider and pass orders on the petitioners 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 Kalliamman Koil Street Opposite to Koyambedu Police Station near entrance arch to Koyambedu Mofusil Bus Terminus Koyambedu, Chennai- 600092.

For Petitioner : Mr.K.Theagaraja Marthandan

For Respondents : Mr.R.Vijayakumar
Addl. Government Pleader
for 1st respondent

Mr.R.Arunmozhi
for respondents 2 and 3

ORDER

(Order of the Court was made by the Acting Chief Justice)

Mr.R.Vijayakumar, learned Additional Government Pleader takes notice for the first respondent. Mr.R.Arunmozhi, learned counsel takes notice for respondents 2 and 3.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

3. The petitioner has filed this writ petition seeking issuance of a writ of mandamus directing the second respondent to consider and pass orders on the petitioner 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 Kalamman Koil Street Opposite to Koyambedu Police Station near entrance arch to Koyambedu Mofusil Bus Terminus Koyambedu, Chennai- 600092.

4. It is the case of the petitioner that the petitioner is running bunk shop at Kalamman Koil Street, opposite to Koyambedu Police Station, near the entrance of the Koyambedu Mofusil Bus Terminus for the past several years without disturbing general public or hindering traffic. However, it is alleged that the respondent authorities are interfering with the running of the bunk shop. Hence, the present writ petition has been filed.

5. In view of the Vending Committee having been constituted vide G.O. (4D) No.5, Municipal Administration and Water Supply (MCI) Department, dated 05.10.2016 and the proceedings of the Commissioner of Corporation in RDC.No.007/2016, dated 1.11.2016 nominating the members of the Vending Committee, we are not inclined to maintain the writ petition and it is for the petitioner to approach the Vending Committee and submit a representation within a week from today. On such representation being made, the same be considered by the Vending Committee in

accordance with law within a period of three months and till such time, no coercive action shall be taken against the petitioner. All the grounds urged in this petition can be raised before the Vending Committee.

6. The writ petition is disposed of accordingly. No costs. Consequently, W.M.P.No.7061 of 2017 is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To:

1. The Secretary Local Administration Dept.
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai - 3.
3. The Commissioner of Police,
Greater Chennai,
EVK Sampath Road,
Vepery, Chennai - 7.

+1cc to Mr.K.Thiyagaraja Marthandan, Advocate, S.R.No.17436
+1cc to Mr.R.Arunmozhi, Advocate, S.R.No.17328
+1cc to Government Pleader, S.R.NO.17601 (24/3/17)

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W.P.No.6565 of 2017

kj(co)
rmp(23/03/17)