

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2017
CORAM

THE HONOURABLE Mr.JUSTICE V.PARTHIBAN

W.P.No.32056 of 2017

S.Shaik Dhasthageer

... Petitioner

Vs

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

2.The Chairperson/Zonal Executive Engineer,
Zone XI,
(The Township Vending Committee)
Corporation of Chennai,
Chennai.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, to direct the respondents to consider and pass orders on the petitioner's representation date 21.11.2017, 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 bunk shop at Mount, Poonamallee High Road, (DLF Company beside), Ramapuram, Chennai-600 089, wherein selling tea, coffee and food items by using LPG stove.

For Petitioner : Mr.N.Naresh

For Respondents : Mr.T.C.Gopalakrishnan for RR1 and 2

W E B C O P Y
O R D E R

Heard Mr.N.Naresh, learned counsel for the petitioner. Mr.T.C.Gopalakrishnan, learned standing counsel, taking notice on behalf of the respondents.

2. With the consent of the learned counsel on either side, the writ petition is taken up for final disposal at the admission stage itself.

3. The petitioner has approached this Court for seeking the following relief,

"To issue a writ of Mandamus, to direct the respondents to consider and pass orders on the petitioner's representation dated 21.11.2017, 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 bunk shop at Mount, Poonamallee High Road, (DLF Company beside), Ramapuram, Chennai-600 089, wherein selling tea, coffee and food items by using LPG stove."

4. The case of the petitioner is as follows:-

According to the petitioner, he is a disabled person having 90% disability and running a bunk shop at Mount, Poonamallee High Road, (DLF Company beside), Ramapuram, Chennai-600 089. The petitioner earning his livelihood from the bunk shop, wherein selling tea, coffee and other food items without any hindrance to general public to the free flow of traffic.

5. The Central Government had enacted the Street Vendors (Protection of Livelihood Regulation) Act, 2014, safeguarding the street vendors by regulating their petty business. In terms of the above Act, the State Government has to form a Township Vending Committee and then Committee shall regulate the street vending in respective places.

6. According to the petitioner, recently the State Government has formed a Street Vending Committee to regulate the street vending in Chennai. The second respondent who is the incharge of the zone in which the shop of the petitioner is located. According to the petitioner, under the provisions of the Act, certain procedure has been prescribed for regulating the street vending. By apprehending action of the official concerned, the petitioner gave a representation on 21.11.2017, requesting for permission for vending in the place where the present shop is located. According to the petitioner, the second respondent has to consider the representation.

7. The learned counsel for the petitioner would submit that the petitioner's representation dated 21.11.2017, may be directed to be disposed of in terms of the Street Vendors (Protection of Livelihood Regulation) Act, 2014 and also the procedure evolved by the Township Vending Committee and permit the petitioner to carry on his business in the place in which the present shop is located.

8. Since the prayer sought for in this writ petition is only limited in its scope, this Court considers deem fit to dispose

of the writ petition with the following direction.

9. The second respondent is directed to consider the representation said to have been made by the petitioner on 21.11.2017, in accordance with the aforesaid Act and in terms of the other regulations and rules of the Corporation and dispose of the representation by considered order, within a period of eight weeks from the date of receipt of a copy of this order.

10. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

gsk

To

- 1.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai 600 003.
- 2.The Chairperson/Zonal Executive Engineer,
Zone XI,
(The Township Vending Committee)
Corporation of Chennai,
Chennai 600 087.

+1cc to Mr.N.Naresh, Advocate, S.R.No.87676

+1cc to Mr.T.C.Gopalakrishnan, Advocate, S.R.No.87606

W.P.No.32056 of 2017

RJ(CO)

RRK(05/02/2018)

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