

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2017

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.Nos.32355 to 32358, 32668 and 32812 of 2017
and W.M.P.No.36157 of 2017

Jaishankar	... Petitioner in WP.32355/17
M.Laxmi	... Petitioner in WP.32356/17
Devasiatony	... Petitioner in WP.32357/17
D.Bharathi Raja	... Petitioner in WP.32358/17
M.Ambika @ Ambika	... Petitioner in WP.32668/17
A.M.Rajan	... Petitioner in WP.32812/17

Vs.

1. The Special Commissioner for Handicapped,
Office of the State Commissioner of Disabled
No.15/1, Model School Road,
Thousand Lights, Chennai - 600 006 ...R1 in WP.32355 to 32358 &
32668/2017
2. The Commissioner,
Corporation of Chennai,
Ripon Building, Chennai - 600 003....R2 in WP.32355 to 32358 &
32668/2017 &R1 in WP.32812/17
3. The Commissioner of Police,
E.V.R.High Road,
Chennai - 600 007. ...R3 in WP.32355 to 32358 &
32668/2017
- 4.The Assistant Executive Engineer
Zone-Pudupet Market Road, Pudupet
Chennai ...2nd Respondent
in WP.32812/2017

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Writ Petition No.32355 of 2017 is filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, directing the 1st respondent to dispose of the petitioner's representation dated 30.06.2017, include before vending committee constituted by the 1st respondent in running his petty bunk shop at on the line of 2nd Avenue, by the side of Anna Nagar Post Office, Opp. Kalanikethan Private Building, Anna

Nagar, Chennai-40, selling tea, coffee and (Atho) alied foods.

WP.No.32356/2017:Writ Petition filed under Article 226 of Constitution of India Writ of Mandamus directing the 2nd respondent to dispose of the petitioners representation dt 31.5.2017 issuance of License bunk shop on the line of Ambith Park Road Back Side Prince Info Park Ambith Park Building Ambattur Industrial Estate Chennai 58 selling tea coffee snacks and fast food

WP.No.32357/2017:Writ Petition filed under Article 226 constitution of India Writ of Mandamus directing the 1st respondent to dispose of the petitioners representation dt 31.7.2017 include before vending committee constituted by the 2nd respondent in the running his petty bunk shop at on the line of 6th Avenue by the side of Bougam Villa Park Opp Victory Colony Anna Nagar East Chennai 102 selling tea coffee and (Atho) alied foods

WP.No.32358 of 2017:Writ Petition filed under Article 226 Constitution of India Writ of Mandamus directing the 2nd respondent to dispose of the petitioners representation dt 28.6.2017 issuance of License bunk shop on the life of on the line of EVK Sampath Salai by the side of Swopnalok Apartments Vepery Chennai 7 petitioner having business on wastage paper mart

WP.No.32668/2017:Writ Petition filed under article 226 of Consitution of India Writ of Mandamus directing the 2nd respondent to dispose of the petitioners representation dated 26.7.2017 issuance of licence bunk shop near Moogambigai Nagar Bus Stop Madhanangkuppam Road Ambattur Chennai-53 for selling Tea Coffee allied Foods and articles

WP.No.32812/2017:Writ Petition filed under Article 226 Constitution of India Writ of Mandamus Directing the respondents to consider and pass order on the representations of the petitioner ending with 10.05.2017 in the light of the Honourable Supreme Court order dated 18.09.1987 made in W.P.No.1141 of 1987 read with the writ petition order dated 12.10.2017 made in W.P.No.26134 of 2017 of this Honourable Court in accordance with the norms guidelines and procedure in force for grant of regularisation and grant of relief to the petitioner

For Petitioner : M/s.P.S.Mercy Gnanammal
(in WP.32355 to 32358/17)
M/s.R.Rajesh Kumar in WP.32668/17
M/s.K.S.Narayanan in WP.32812/17

For Respondents : Mr.O.Selvam, G.A. (for RR1 &3)
in WP.32355 to 32358/17
WP.No.32668/17
Mr.T.C.Gopalakrishnan for R2
in WP.32355 to 32358/17,32668/17
for R1 in WP.32812/17
Mr.S.Diwakar Spl GP for R2 in
WP.32812/17

C O M M O N O R D E R

As the issue involved in all these Writ Petitions is one and the same, the cases are taken up for disposal by a common order.

2. Petitioner in W.P.No.32355 of 2017 has come up with the said Writ Petition praying for the issuance of a Writ of Mandamus to direct the 1st respondent to dispose of his representation dated 30.06.2017 and to include his case before the vending committee constituted by the second respondent in running his petty bunk shop on the line of 2nd Avenue, by the side of Anna Nagar Post Office, Opposite to Kalanikethan Private Building, Anna Nagar, Chennai-40, for selling tea, coffee and (Atho) allied foods.

3. Petitioner in W.P.No.32356 of 2017 has come up with the said Writ Petition praying for the issuance of a Writ of Mandamus to direct the 2nd respondent to dispose of his representation dated 31.05.2017 in respect of issuance of License to the bunk shop on the line of Ambith Park road, back side Prince Info Park, Ambith Park Building, Ambattur Industrial Estate, Chennai - 600 058, for selling tea, coffee, snacks and fast foods.

4. Petitioner in W.P.No.32357 of 2017 has come up with the said Writ Petition praying for the issuance of a Writ of Mandamus to direct the 1st respondent to dispose of his representation dated 31.07.2017, and to include his case before the vending committee constituted by the 2nd respondent in running his petty bunk shop on the line of 6th Avenue, by the side of Bougan Villa Park, Opposite to Victory Colony, Anna Nagar East, Chennai 600 102, for selling tea, coffee and (Atho) allied foods.

5. Petitioner in W.P.No.32358 of 2017 has come up with the said Writ Petition praying for the issuance of a Writ of

Mandamus to direct the 2nd respondent to dispose of his representation dated 28.06.2017, in respect of issuance of License to the bunk shop on the line of EVK Sampath Salai, by the side of Swopnalok apartments, Vepery, Chennai - 600 007, for having business on wastage paper mart.

6. Petitioner in W.P.No.32668 of 2017 has come up with the said Writ Petition praying for the issuance of a Writ of Mandamus to direct the 2nd respondent to dispose of his representation dated 26.07.2017, in respect of License to the bunk shop near Moogambigai Nagar Bus Stop, Madhanangkuppam Road, Ambattur, Chennai-53, for selling tea, coffee, allied foods and articles.

7. Petitioner in W.P.No.32812 of 2017 has come up with the said Writ Petition praying for the issuance of a Writ of Mandamus to direct the

respondents to consider and pass orders on his representations, ending with 10.05.2017 in the light of the Supreme Court order dated 18.09.2017 made in W.P.No.1141 of 1987 read with order dated 12.10.2017 made in W.P.No.26134 of 2017 of this Court, in accordance with the norms, guidelines and procedure in force for grant of regularisation and grant of relief to the petitioner.

8. Mr.T.C.Gopalakrishnan, learned counsel appearing for the second respondent has produced a statement showing the details of bunk shops. It is stated that there are about 629 bunk shops, out of which 622 are in existence and out of that, 257 shop owners have obtained orders for disposing of the representation to continue in the bunk shops. According to the learned counsel, some representations have been disposed of and several representations are yet to be disposed of.

9. Learned counsel for the petitioners submitted that the petitioners have been driven from pillar to post by stating that the issue in question does not come under the purview of the Hawking Committee and they have been directed to go before the Vending Committee. It is also stated that the said Committee is not functioning.

10. For better appreciation, the Statement showing the Bunk Shop particulars, is extracted hereunder:

Sl. No.	Name of the Zone	Division No.	Name of Bunk Owner Location (Address)	ID Proof	Bunk Shop existence or not	Whether licence obtained	Whether Court order covered (WP/OS) No.	Remarks
1	I	1-14	Nil	Nil	Nil	Nil	Nil	4
2	II	15-21	Nil	Nil	Nil	Nil	Nil	5
3	III	22-33	Nil	Nil	Nil	Nil	Nil	6
4	IV	34-48						
5	V	49-63	73	-	73	-	66	7-11
6	VI	64-78	14	-	14	-	3	16
7	VII	79-93	73	-	73	-	57	17-19
8	VIII	94-108	40	-	40	-	7	20
9	IX	109-126	183	-	183	-	41	21-24
10	X	127-142	151	-	151	-	20	25-32
11	XI	143-155	5	-	-	-	5	33
12	XII	156-167	2	-	-	-	2	34
13	XIII	170-182	36	-	36	-	36	35-40
14	XIV	168, 169, 183-191	Nil	Nil	Nil	Nil	Nil	41-45
15	XV	192-200	52	-	52	-	20	46-50
Total			629	-	622	-	257	

11. On a perusal of the above Statement, it is seen that it does not contain the names of persons to whom bunk shops were allotted by the officials or their residential address or the persons, whom the aggrieved persons approached and made representations before the appropriate authority.

12. It is represented by the learned counsel appearing for the second respondent/Corporation that each Zone has got separate authority, who will hear the request of the petitioners and that the petitioners can make their representations before the said Vending/Hawking committee.

13. This Court expects that the details of the Committee have got to be exhibited in the Notice Board in that area, in order to enable the aggrieved persons, note down the Circular containing the names of persons or to take photographs of the Circular, so that, representations can be made, which will

prevent the litigant run from pillar to post. As and when a Committee Member is replaced by another Member, such details shall also be immediately exhibited in the Notice Board.

14. As representations are pending pursuant to the order of this Court, the respondent-Corporation of Chennai is expected to dispose of the same at the earliest point of time, within the time stipulated by this Court and the Vending/Hawking committee must ensure that the said bunk shops in these Writ Petitions are preferably not situated before/near the Schools, Colleges and Hospitals and that they shall not sell any hazardous products like cigarettes, paanparag, etc. Petitioners herein are eking out their livelihood by running bunk shops. Hence, it is for the State to encourage self-employment, as they are not in a position to provide employment to all citizens, who are qualified. By creating self-employment, the State can ensure compliance of Article 19 and Article 41 of the Constitution of India. It is needless to state that the Corporation of Chennai, which has formed the Vending/Hawking committees, shall consider the request of aggrieved persons at the earliest point of time, so that they can decide about the further course of action, either to question the rejection order or to enable the aggrieved persons, take up other avocation.

15. Accordingly, the petitioners shall make fresh representations to the the Vending/Hawking Committee within one month from the date of receipt of a copy of this order and the same shall be considered by the said Committee within a period of one month, thereafter. The names of the members of the Vending/Hawking Committee shall be furnished to the petitioners or exhibited in the Notice Board in the respective Zone, to enable the petitioners approach the said Committee, as the case may be.

16. Further, it is represented that the bunk shop in W.P.No.32812 of 2012, which was already there, has been removed by the Corporation. According to the learned counsel appearing for the Corporation, the said bunk shop was not there and even assuming that it was there, it was removed only by the petitioner. In reply, the learned counsel for the petitioner submitted that the Bunk shop in W.P.No.32812 of 2012 had been removed by the Corporation and it is in the custody of the Corporation. It is made clear that when the petitioner in W.P.No.32812 of 2012 approaches the Hawking/Vending committee concerned, it shall examine this issue and render a finding on that aspect.

17. It is needless to state that the respondents shall follow the guidelines formulated in the order dated 18.09.2017 passed by the Hon'ble Apex Court in W.P.No.1141 of 1987 together

with the order dated 12.10.2017 passed by this Court in W.P.No.26134 of 2017 for grant of regularisation to the petitioners. Those who are interested in availing a shop by approaching the Vending/Hawking Committee, must produce a copy of their Aadhar Card, failing which, no indulgence need be shown to them. This will prevent duplication of shops in the name of the same person.

18. With the above observations and directions, all the above Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petition is closed.

19. Before parting with the cases, this Court opines that the Corporation of Chennai shall scrupulously follow the above directions/observations in respect of allotment/grant of licence to the bunk shops in and around the city of Chennai.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

pvs/aeb

To:

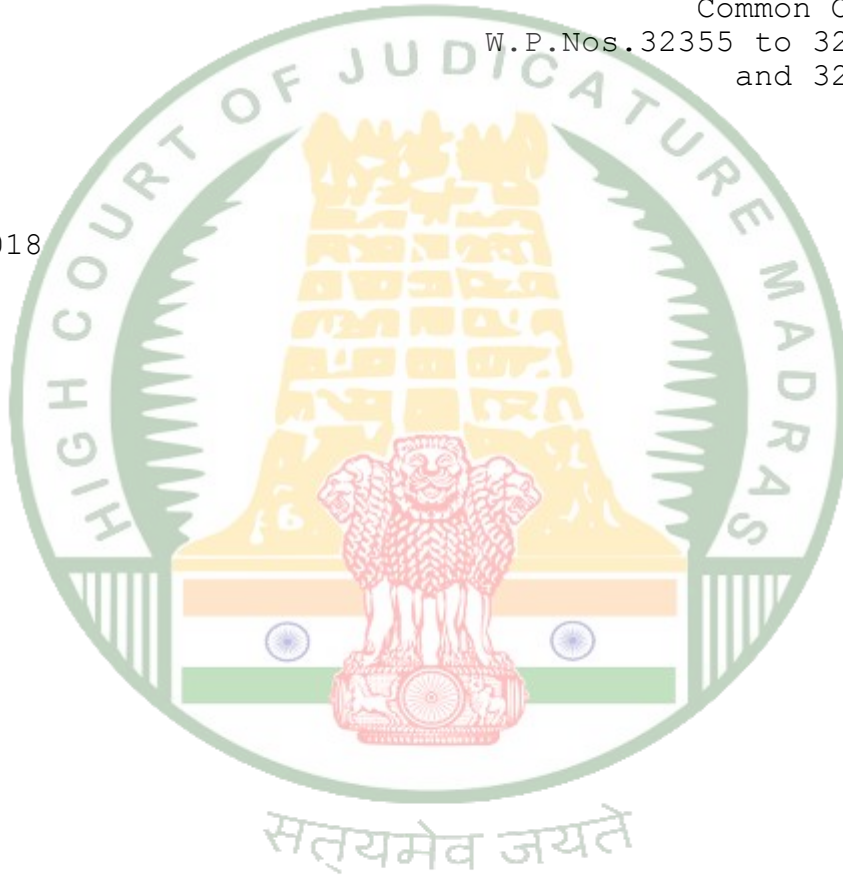
1. The Special Commissioner for Handicapped,
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2. The Commissioner,
Corporation of Chennai,
Ripon Building, Chennai - 600 003.
3. The Commissioner of Police,
E.V.R.High Road,
Chennai - 600 007.
- 4.The Assistant Executive Engineer
Zone-Pudupet Market Road,
Pudupet Chennai-2

+4 ccs to M/s.P.S.Mucy Gananammal Advocate sr 91860,91861,
91862,91863

+2 ccs to M/s.T.C.Gopalakrishnan Advocate sr 92275,92274
+1 cc to M/s.O.Selvam Advocate sr 91390
+1 cc to M/s.K.S.Narayanan Advocate sr 91346
+2 ccs to the Govt Pleader sr 91959 91960

Common Order in
W.P.Nos.32355 to 32358, 32668
and 32812 of 2017

gmr (co)
aa11/01/2018



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