

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2017

CORAM

THE HON'BLE Mr. JUSTICE M.DURAISWAMY

W.P.No.22939 of 2017
and W.M.P.No.24086 of 2017

R.Manoj

... Petitioner

v.

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

2.The Zonal Health Officer
Zone No.13
Corporation of Chennai
Adayar, Chennai - 600 020.

3.The State Commissioner for
Differently Abled
O/o. State Commissioner for Differently Abled
Kamarajar Salai
Chennai - 600 005.

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of Certiorarified Mandamus calling for the records relating to the notice dated 17.08.2017 passed by the 2nd respondent and to quash the same and forbear the respondents 1 and 2 from interfering with the running of the petitioner's bunk shop outside of the Eastern side compound, MRC Nagar Park, MRC Nagar, Lela Palace opposite, Ward No.150, Zone-13, R.A.Puram, Chennai 600 028, by using LPG stove, till the Township Vending Committee decides in the matter.

For Petitioner : Mr.L.Chandrakumar

For Respondents: Mr.P.V.Selvakumar
Addl. Government Pleader for R1 & R2

Mr.S.Diwakar,
Special Government Pleader for R3

O R D E R

Mr.P.V.Selvakumar, learned Additional Government Pleader, takes notice for respondents 1 and 2 and Mr.S.Diwakar, learned Special Government Pleader takes notice for respondent No.3. By consent, the main writ petition itself is taken up for disposal at the admission stage itself.

2. The petitioner has filed the above Writ Petition to issue a writ of Certiorarified Mandamus calling for the records relating to the notice dated 17.08.2017 passed by the 2nd respondent and to quash the same and forbear the respondents 1 and 2 from interfering with the running of the petitioner's bunk shop outside of the Eastern side compound, MRC Nagar Park, MRC Nagar, Lela Palace opposite, Ward No.150, Zone-13, R.A.Puram, Chennai 600 028, by using LPG stove, till the Township Vending Committee decides in the matter.

3. The learned counsel appearing for the petitioner submitted that in similar circumstances, the Division Bench of this court, by order dated 28.02.2017, passed the following order:-

"5.On hearing the learned counsel for the parties, suffice it to direct the Vending Committee constituted vide G.O.(4D)No.5, Municipal Administration and Water Supply (MCI) Department, dated 05.10.2016, to consider the representation of the petitioner dated 27.1.2017 and pass appropriate orders in accordance with law, within three months from the date of receipt of a copy of this order and till such time, no coercive action shall be taken against the petitioner. All the ground urged in this petition can be raised before the Committee."

4. The learned counsel appearing for the respondents submitted that the order passed by the Division Bench of this court can be followed in this writ petition also.

5. In the light of the above, the impugned notice dated 17.08.2017 is quashed and the petitioner is directed to give a representation to the Vending Committee constituted vide G.O.(4D)No.5, Municipal Administration and Water Supply (MCI) Department, dated 05.10.2016, within two weeks from the date of receipt of a copy of this order. On receipt of such representation, the Vending Committee shall consider the petitioner's representation and pass appropriate orders, in accordance with law, within three months from the date of receipt of such representation and till such time, no coercive

action shall be taken against the petitioner. All the grounds urged in this writ petition can be raised before the Committee.

6. With these observations, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

vsm

To

1. The Commissioner
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Chennai - 600 003.
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O/o. State Commissioner for Differently Abled
Kamarajar Salai
Chennai - 600 005.

+1cc to Mr.R.Kamaraj, Advocate Sr. 61735
+1cc to Mr.P.V.Selvakumar, Advocate Sr. 61986
+1cc to Government Pleader Sr. 61949

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SCD(CO)
VR(01/09/2017)