

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.09.2017

CORAM

THE HON'BLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.23278 of 2017

G.Elumalai

... Petitioner

v.

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

2.The Commissioner of Police,
Vepery, Chennai 7

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the 1st respondent to dispose of the petitioner's representation dated 20.05.2017, include before Vending Committee constituted by the 1st respondent in the running petitioner's bunk shop on the line of Haddows Road, by the Junction of Pycrafts Road, by the side of Jayalakshmi Estate Private Building, Nungambakkam, Chennai 600 034, selling tea, coffee, snaks, sandwich and fresh juice (measurement about 8 x 6).

For Petitioner : Mr.R.Sudhakar

For Respondents : Mr.P.V.Selvakumar
Addl. Government Pleader (R2)

Mr.T.C.Gopalakrishnan, SC (R1)

ORDER

Mr.T.C.Gopalakrishnan, learned Standing Counsel, takes notice for the 1st respondent and Mr.P.V.Selvakumar, learned Additional Government Pleader, takes notice for the 2nd respondent. 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 mandamus directing the 1st respondent to dispose of his representation dated 20.05.2017, to include before Vending Committee constituted by the 1st respondent, the running petitioner's bunk shop on the line of Haddows Road, by the Junction of Pycrafts Road, by the side of Jayalakshmi Estate Private Building, Nungambakkam, Chennai 600 034, selling tea, coffee, snaks, sandwich and fresh juice (measurement about 8 x 6).

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 counsels 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 view of the submissions made by the learned counsel on either side, I 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 petitioner's representation dated 20.05.2017 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 grounds urged in this writ petition can be raised before the Committee.

With these observations, the Writ Petition is disposed of. No costs.

05.09.2017

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To

1. The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai – 600 003.
2. The Commissioner of Police,
Vepery, Chennai 7

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M.DURAI SWAMY, J.

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