

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2017

CORAM :

The Hon'ble Ms.INDIRA BANERJEE, CHIEF JUSTICE
AND
The Hon'ble MR.JUSTICE M.SUNDAR

W.P. Nos.14253 to 14257 of 2017
and W.M.P.Nos.15458 to 15462 of 2017

'River - Power of the Women'
Rep. By its Founder Trustee,
Mrs.Madhu Saran. ... Petitioner in all WPs

-Vs-

1. The Commissioner,
Greater Corporation of Chennai,
Rippon Building, Chennai 600 003.
2. The Chairperson / Zonal Executive
Engineer, Corporation of Chennai,
Zone-10 (The Township Vending
Committee), Kodambakkam,
Chennai 600 024.
3. The Chairperson/Zonal Executive
Engineer, Corporation of Chennai,
Zone-13, (The Township Vending
Committee), Adayar, Chennai 600 020.
... Respondents 1 to 3 in all WPs.
4. The Inspector of Police,
E-5, Foreshore Estate Police Station,
Chennai 600 028. ... Respondent 4 in WP.14253 of 2017
4. The Inspector of Police,
R-1, Mambalam Police Station,
Chennai 600 017. ... Respondent 4 in WP.14254 of 2017
4. The Inspector of Police,
R-4, Pondy Bazar Police Station,
Chennai 600 017. ... Respondent 4 in WP.14255 of 2017
4. The Inspector of Police,
J-13, Taramani Police Station,
Taramani, Kanagam, Chennai 600 113.
... Respondent 4 in WPs.14256 & 14257 of 2017

Petitions filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to forbear the 4th respondent (in respective petitions) from interfering with the running of the mobile vending van business by the members of the Petitioner's Trust at WP.14253/2017 - Janaki Avenue, near Chennai Municipality Open Park, MRC Nagar, Chennai 600 028; WP.14254/2017 - Venkatnarayanan Road, near Natesan Park Gate, T.Nagar, Chennai 600 017; WP.14255/2017 - G.N.Chetty Road, near Jeeva Park Gate, Chennai 600 017; W.P.No.14256/2017 - Tidal Park Gate, near Rajiv Gandhi Salai, Taramani, Chennai 600 013; W.P.No.14257/2017 - opposite to Ramanujam I.T. Park, Taramani, Chennai 600 113, wherein selling coffee, tea and food items, till the respondents 1 to 3 decide the petitioners' application dated 15.4.2017 made for grant of Certificate of Vending so as to continue to run the above mobile vending van business.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.R.Arunmozhi for RR-1 to 3

: Mr.M.K.Subramanian
Government Pleader for R-4

COMMON ORDER

(Order of the Court was made by M.Sundar, J.)

These five writ petitions have been filed with prayers to issue a writ of mandamus to the fourth respondent in the petitions, i.e., concerned / jurisdictional Inspectors of Police, from interfering with the running of a mobile vending van business (mobile eateries vending food items, coffee, tea etc.), which, according to the writ petitioners' counsel, is being carried on by the members of the petitioner-trust at the places referred to in the prayer portion, i.e., Janaki Avenue, near Chennai Municipality Open Park, MRC Nagar, Chennai 600 028 (WP.14253/2017); Venkatnarayanan Road, near Natesan Park Gate, T.Nagar, Chennai 600 017 (WP.14254/2017); G.N.Chetty Road, near Jeeva Park Gate, Chennai 600 017 (WP.14255/2017); Tidal Park Gate, near Rajiv Gandhi Salai, Taramani, Chennai 600 013 (W.P.No.14256/2017); opposite to Ramanujam I.T. Park, Taramani, Chennai 600 113 (W.P.No.14257/2017).

2.A further limb of the prayers in these writ petitions is that till the official respondents 1 to 3 decide the petitioner's application dated 15.04.2017 made before the Vending Committee for grant of Certificate of Vending, the petitioner may be allowed to continue to run the above vending business.

3.Mr.Arunmozhi, learned Standing Counsel, accepts notice on behalf of respondents 1 to 3 and Mr.M.K.Subramanian, learned Government Pleader, accepts notice on behalf of fourth respondent/ concerned / jurisdictional Inspectors of Police.

4.An order dated 10.05.2017 made in W.P.No.12297 of 2017 (filed by the same writ petitioner-Trust) is brought to our notice and the order may be usefully extracted and the same reads as follows:

"1.This Writ Petition has been filed seeking a direction to Respondents 1 to 3 to consider the petitioner's representation dated 15.04.2017 in accordance with the provisions of the Street Vendors (Protection of Livelihood Regulation) Act, 2014 and to grant permissions/Certificate of vending to the members of the petitioner trust. An Interim Order has been sought restraining the respondents from interfering with the business of the members of the petitioner till such time the representation is considered and disposed of.

2.Learned counsel for the petitioner submits that though the petitioner approached the vending committee, no decision has been taken so far.

3.We direct the vending committee to take a decision on the representation of the petitioner dated 15.04.2017 in accordance with law and in particular, the provisions of the street vendors (Protection of Livelihood Regulation) Act, 2014 and the Rules framed thereunder within a period of eight weeks from the date of Communication of this order.

4.The Writ petition is disposed of accordingly. No costs. Consequently, the above WMP is closed."

5.It has not been disputed that the above said representation made by the petitioner dated 15.04.2017 in accordance with the provisions of the Street Vendors (Protection of Livelihood Regulation of Street Vending) Act, 2014, is now pending with the Vending Committee. We are informed that the third respondent / Zonal Executive Engineer, Corporation of Chennai, Zone-13, Adayar, Chennai 600 020 is the Chairperson of the Township Vending Committee.

6.It is also brought to our notice that the writ petitioner before us is a trust and that it is a public trust which has been formed with the objectives of empowering poor women working in the informal sector and to organise self-employment strategies for women, for social and economic empowerment of destitute women, etc. In his submissions, Mr.L.Chandrakumar, learned counsel for the writ petitioner, submitted that the

Trust works for destitute women and that the above mobile eateries are run by them.

7.Owing to all that have been stated supra, in the facts and circumstances of this case, we deem it appropriate to direct the third respondent before us, i.e., the Chairperson/Zonal Executive Engineer, Corporation of Chennai, Zone-13 (Township Vending Committee), Adayar, Chennai 600 020, to dispose of the above said representation of the petitioner dated 15.04.2017 (found at page 68 of the typed set of papers) within a fortnight from today, in accordance with law, after affording an opportunity to all concerned, particularly the applicant. To be noted, the representation is a common representation for the above said five eateries.

8.We make it clear that the continuance / running of the mobile vending van business by the petitioner-trust at the places, which we have already referred to above, will be subject to the outcome of the decision of the Vending Committee.

9.Mr.M.K.Subramanian, learned Government Pleader, who has accepted notice on behalf of the respective fourth respondents in all the five writ petitions, points out that the fourth respondent (jurisdictional Station House Officers) have serious objection to the location, as, according to him, it is causing serious hindrance to traffic.

10.Having regard to the nature of the Trust, which is for rehabilitation of destitute women and providing them with decent livelihood, we expect that the Vending Committee will take a sympathetic approach. If location and traffic hindrance are the only impediments, the Vending Committee can also consider a more convenient location which does not cause inconvenience to the flow of traffic. However, we make it clear that it is absolutely at the discretion of the Vending Committee. We are informed that concerned police officers are also part of the Committee.

11.Writ petitions are, accordingly, disposed of, with the aforesaid directions and observations. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner,
Greater Corporation of Chennai,
Rippon Building, Chennai 600 003.
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7. The Inspector of Police,
J-13, Taramani Police Station,
Taramani, Kanagam, Chennai 600 113.

+1cc to Mr.R.Arunmozhi, Advocate, S.R.No.41316

+5cc's to Mr.L.Chandrakumar, Advocate,
S.R.Nos.41367 to 41370 & 41180

+1cc to the Government Pleader, S.R.No.41429

W.P.Nos.14253 to 14257 of 2017

SS(CO)
CA(16/06/2017)

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