

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2017

CORAM

THE HON'BLE Mr. JUSTICE M.DURAISWAMY

W.P.No.25319 of 2017

M. Sathya

... Petitioner

v.

1 The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai 600 003

2 The Chairperson/Zonal
Executive Engineer (Zone-13)
(The Township Vending Committee)
Corporation of Chennai
Guindy Chennai 600 032

3 The State Commissioner for Differently Abled
Chennai 600 005

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the respondents to consider and pass orders on the petitioner's representation dated 16.09.2017 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 of the petitioner's bunk shop at Poomagal Street, Opp-to Annai Tea Stall, Near Oliympiya Tech Park, Guindy, Chennai 600 032.

For Petitioner : Mr.E.Naveen

For Respondents : Mr.T.C.Gopalakrishnan
Standing Counsel - for R1 & R2

Mr.P.V.Selvakumar
Addl. Government Pleader - for R3

O R D E R

Mr.T.C.Gopalakrishnan, learned Standing Counsel takes notice for the respondents 1 and 2 and Mr.P.V.Selvakumar, learned Additional Government Pleader, takes notice for the 3rd 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 respondents to consider and pass orders on the his representation dated 16.09.2017 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 of her bunk shop at Poomagal Street, Opp-to Annai Tea Stall, Near Oliympiya Tech Park, Guindy, Chennai 600 032.

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. Mr.T.C.Gopalakrishnan, learned Standing Counsel appearing for the respondents 1 and 2 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 16.09.2017 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.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

Rj

To

- 1 The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai 600 003
- 2 The Chairperson/Zonal
Executive Engineer (Zone-13)
(The Township Vending Committee)
Corporation of Chennai
Guindy Chennai 600 032
- 3 The State Commissioner for Differently Abled
Chennai 600 005

+1cc to Mr.E.Naveen, Advocate Sr. 69390
+1cc to Mr.T.C.Gopalakrishnan, Advocate Sr. 69259
+1cc to the Government Pleader Sr. 69815

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AR(V)
VR(05/10/2017)