

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2017

CORAM :

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.No.27049 of 2017

Shahul Hameed

... Petitioner

Vs

1. The Commissioner
Corporation of Chennai
Rippon Buildings,
Chennai 600 003.
2. The Chairperson / Zonal Executive
Engineer [Zone-9],
[The Township Vending Committee],
Corporation of Chennai,
Chennai 600 034.

.... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuance a Writ of mandamus directing the respondents to consider and pass orders on the petitioner's representation dated 04.10.2017 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 Haddows Road, Opposite to Standard Chartered Bank, Nungambakkam, Chennai 600 034, wherein selling tea, coffee and food items by using LPG stove.

For Petitioner : Mr.L.Chandrakumar

For R1 & R2 : Mr.A.Nagarajan

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

By consent, the writ petition itself is taken up for final disposal. Mr.A.Nagarajan, learned Standing Counsel accepts notice on behalf of the respondents.

2. The petitioner claims that he is a differently-abled person having Locomotor Disability of 80% and he is running a Bunk shop at Haddows Road, Opposite to Standard Chartered Bank, Nungambakkam, Chennai 600 034, and he claims that he is selling tea, coffee and food items in an hygienic manner by using LPG stove and out of the meager income earned, he is maintaining himself as well as his family. The petitioner would further state that he is entitled to the benefits of the benevolent Central Legislation, viz., the Street Vendors [Protection of Livelihood] Act, 2014 and the Rules and Regulations framed thereunder and till the formalities contemplated under the Act are fully complied with, the petitioner cannot be evicted from the present place of business and the petitioner, in this regard, has submitted a representation dated 04.10.2017 to the respondents seeking for permission / licence to continue to run the Bunk shop in the said place and apprehending dispossession, he came forward to file the present writ petition.

3. Mr.L.Chandrakumar, learned counsel appearing for the petitioner on instructions, would submit that the petitioner is running the Bunk shop in the above said address for very many years and that, he has not sub-let or part with the interest or possession of the Bunk shop in question and he continues to run the same and selling the food articles prepared in an hygienic manner and is strictly complying with the relevant Food Safety Norms and Rules and unless and until the identification and enumeration process is done as per the provisions of the above said Act, the petitioner may not be disturbed from the Bunk Shop in question and would further submit that the petitioner had submitted a representation to the Town Vending Committee/2nd respondent herein and hence, prays for appropriate orders.

4. Per contra, Mr.A.Nagarajan, learned Standing counsel appearing for the respondents would submit that immediate, urgent and necessary steps have already been taken to form the Town Vending Committee and enumeration process is going on and it is for the petitioner to substantiate his plea that he is running the Bunk shop in question for very many years without parting with either the possession or interest or both in respect of the said bunk shop.

5. This Court has considered the rival submissions and also perused the materials placed before it.

6. Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going in to the merits of the claim projected by the petitioner, either in his representation or in this writ petition, directs the 2nd respondent to consider and dispose of

the petitioner's representation dated 04.10.2017 on merits and in accordance with law and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner and till such time, the said official shall defer further decision with regard to the removal of the bunk shop. It is made clear that the petitioner, till the disposal of the representation by the 2nd respondent, shall not change/alter the physical features and the character of the bunk shop in question and shall not create any third party rights in respect of the bunk shop in question.

7. The writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

AP

To

1. The Commissioner
Corporation of Chennai
Rippon Buildings,
Chennai 600 003.
2. The Chairperson / Zonal Executive
Engineer [Zone-9],
[The Township Vending Committee],
Corporation of Chennai,
Chennai 600 034.

+1cc to Mr.A.Nagarajan, Advocate, S.R.No.74506

+1cc to Mr.L.Chandrakumar, Advocate, S.R.No.74601

W.P.No.27049 of 2017

MR(CO)
CA(07/11/2017)