

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2017

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.Nos.27145 to 27150 of 2017

Suresh Kumar ... Petitioner in W.P.No.27145 of 2017
Sakila ... Petitioner in W.P.No.27146 of 2017
S.Syed Sha Mohammed ... Petitioner in W.P.No.27147 of 2017
Lalitha ... Petitioner in W.P.No.27148 of 2017
Susila ... Petitioner in W.P.No.27149 of 2017
S.Easwari ... Petitioner in W.P.No.27150 of 2017

vs.

1. The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai - 600 003. ... First Respondent in all W.Ps.
2. The Chairperson/
Zonal Executive Engineer (Zone No.5),
(The Township Vending Committee),
Corporation of Chennai,
Chennai - 600 021. ... Second Respondent in
W.P.No.27145, 27146 & 27150 of 2017.
2. The Chairperson/
Zonal Executive Engineer (Zone No.6),
(The Township Vending Committee),
Corporation of Chennai, Chennai - 600 023.
... Second Respondent in W.P.No.27147 of 2017
2. The Chairperson/
Zonal Executive Engineer (Zone No.13),
(The Township Vending Committee),
Corporation of Chennai,
Chennai - 600 020. ... Second Respondent in W.P.No.27148 of 2017
2. The Chairperson/
Zonal Executive Engineer (Zone No.9),
(The Township Vending Committee),
Corporation of Chennai, Chennai - 600 034.
... Second Respondent in W.P.No.27149 of 2017

Prayer in W.P.No. 27145 of 2017

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 05.10.2017 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 Rukmani Salai, opposite to Rajarathinam Stadium, Chennai 600008, wherein selling tea, coffee, and food items by using LPG stove.

Prayer in W.P.No. 27146 of 2017

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 05.10.2017 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 opposite to St. Paul's Higher Secondary School, Church Road, Vepery, Chennai-600 007, wherein selling tea, coffee, and food items by using LPG stove.

Prayer in W.P.No. 27147 of 2017

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 06.10.2017 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 Railway Quarters, Ayanavaram, Koonoor High Road, Chennai 600 023, wherein selling tea, coffee, and food items by using LPG stove.

Prayer in W.P.No. 27148 of 2017

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 05.10.2017 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 No.1/7, Anandha Road, Alwarpet, Chennai 600 018, wherein selling tea, coffee, and food items by using LPG stove.

Prayer in W.P.No. 27149 of 2017

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 05.10.2017 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 Binny Road, near Spencer, Chennai 600 001, wherein selling tea, coffee, and food items by using LPG stove.

Prayer in W.P.No. 27150 of 2017

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 05.10.2017 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 near Government General Hospital, opposite to Central Railway Station, EVR Periyar Road, Chennai 600 003, wherein selling tea, coffee, and food items by using LPG stove.

For Petitioner : Mr.L.Chandrakumar
For Respondents : Mr.T.C.Gopalakrishnan,
for Corporation

C O M M O N O R D E R

Mr.T.C.Gopalakrishnan, learned counsel for Corporation, takes notice for the respondents. By consent, the main writ petition itself is taken up for disposal at the admission stage itself.

2. Writ Petition No.27145 is 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 05.10.2017 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 Rukmani Salai, opposite to Rajarathinam Stadium, Chennai 600008, wherein selling tea, coffee, and food items by using LPG stove.

3. Writ Petition No.27146 is 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 05.10.2017 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 opposite to St. Paul's Higher Secondary School, Church Road, Vepery, Chennai-600 007, wherein selling tea, coffee, and food items by using LPG stove.

4. Writ Petition No.27147 is 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 06.10.2017 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 Railway Quarters, Ayanavaram, Koonoor High Road, Chennai 600 023, wherein selling tea, coffee, and food items by using LPG stove.

5. Writ Petition No.27148 is 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 05.10.2017 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 No.1/7, Anandha Road, Alwarpet, Chennai 600 018, wherein selling tea, coffee, and food items by using LPG stove.

6. Writ Petition No.27149 is 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 05.10.2017 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 Binny Road, near Spencer, Chennai 600 001, wherein selling tea, coffee, and food items by using LPG stove.

7. Writ Petition No.27150 is 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 05.10.2017 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 near Government General Hospital, opposite to Central Railway Station, EVR Periyar Road, Chennai 600 003, wherein selling tea, coffee, and food items by using LPG stove.

8.The learned counsel appearing for the petitioners 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."

9. Mr.T.C.Gopalakrishnan, learned counsel for Corporation, appearing for the respondents submitted that the order passed by the Division Bench of this Court can be followed in these writ petitions also.

10. 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 petitioners' representations dated 05.10.2017 and 06.10.2017 in the respective Writ Petitions 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 petitioners. All the grounds urged in these writ petitions can be raised before the Committee.

11. With the above observations, the Writ Petitions are disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

pvs

To

1. The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai - 600 003.
2. The Chairperson/
Zonal Executive Engineer (Zone No.5),
(The Township Vending Committee),
Corporation of Chennai,
Chennai - 600 021.
3. The Chairperson/
Zonal Executive Engineer (Zone No.6),
(The Township Vending Committee),
Corporation of Chennai,
Chennai - 600 023.
4. The Chairperson/
Zonal Executive Engineer (Zone No.13),
(The Township Vending Committee),
Corporation of Chennai,
Chennai - 600 020.
5. The Chairperson/
Zonal Executive Engineer (Zone No.9),
(The Township Vending Committee),
Corporation of Chennai,
Chennai - 600 034.

+6ccs to Mr.R.Kamaraj, Advocate in sr.76002 to 76007
+1cc to Mr.T.C.Gopalakrishnan, Advocate in sr.75841

W.P.Nos.27145 to 27150 of 2017

VGII(CO)
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