

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:12.07.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

W.P.No.17619/2017

R.Arul

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Petitioner

Vs

1.The Commissioner
Corporation of Chennai,
Rippon Buildings, Chennai-3.

2.The Chairperson/Zonal Executive
Engineer [Zone-5]
Corporation of Chennai,
Basin Bridge Road,
Chennai 600 021.

3.The Assistant Engineer
Corporation of Chennai
Division No.62, Zone-V
Chennai 600 002.

..

Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus forbearing the respondents, their officials, servants from interfering with the running of the petitioner's bunk shop near Chintatripet Railway Station, Opposite to May Day Park, Deputy Mayor Kabalamoorthy Road, Chennai-600002, till the Township Vending Committee decides the issue of grant of certificate of vending.

For Petitioner : Mr.L.Chandrakumar

For RR 1 to 3 : Mr.V.C.Selvasekaran

ORDER

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

By consent, the writ petition is taken up for final disposal. Mr.V.C.Selvasekaran, learned Standing Counsel accepts notice on behalf of the respondents 1 to 3.

2 The petitioner claims that he is orthopedically handicapped having disability of 75% and he is running a Bunk Shop near Chintatripet Railway Station, Opposite to May Day Park, Deputy Mayor Kabalamoorthy Road, Chennai-600002, for the past several years and he is selling tea, coffee and food items in a hygienic manner and with the meager income earned, he is maintaining his family. The petitioner would further submit that he is entitled to the protection under the Street Vendors [Protection of Livelihood Regulation] Act, 2014 and in this regard, he has submitted a representation dated 19.04.2017 to the 2nd respondent and orders are yet to be passed and apprehending interference/dispossession pending consideration of the said representation, came forward to file the present writ petition.

3 Mr.L.Chandrakumar, learned counsel for the petitioner has

drawn the attention of this Court to the orders dated 03.09.2015, 26.08.2016, 28.02.2017 and 10.05.2017 passed in WP.No.18672/2014 etc., batch, WP.Nos.28940/2016, 5000/2017 and 11138/2017 respectively and would submit that in similar facts and circumstances, this Court has directed the 2nd respondent to consider and dispose of the representation within the stipulated time frame and in accordance with law and prays for similar orders.

4 This Court heard the submissions of Mr.V.C.Selvasekaran, learned Standing counsel appearing for the respondents and perused the materials placed before this Court.

5 Though the petitioner prays for a larger relief, this Court, in the light of the above facts and circumstances and without going into 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 19.04.2017 on merits and in accordance with law and pass orders as expeditiously as possible and not later than 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, shall defer further decision with

regard to removal of the Bunk Shop. It is also made clear that the petitioner, till the disposal of the representation by the 2nd respondent, shall not change the physical feature and character of the Bunk Shop and also shall not create any third party right in respect of the Bunk shop in question.

6 The writ petition stands disposed of with the above direction at the admission stage itself.

[M.S.N., J.,]

[N.S.S., J]

12.07.2017

Index : No
Internet : Yes
AP
To

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M.SATHYANARAYANAN, J.,
AND
N.SESHASAYEE, J.,
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