

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.08.2017

CORAM

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

WP.Nos.17844 to 17847 of 2017

Devi .. Petitioner in WP No.17844 of 2017
Kanchana .. Petitioner in WP No.17845 of 2017
Sagayam .. Petitioner in WP No.17846 of 2017
Sasikala .. Petitioner in WP No.17847 of 2017

Versus

1. The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai 600 003.1st respondent in all WPs
2. The Chairperson /
Zonal Executive Engineer (Zone 5),
(The Township Vending Committee),
Corporation of Chennai,
Chennai.2nd respondent in WP No.17844 &
17846 /2017
3. The Chairperson /
Zonal Executive Engineer (Zone 12),
(The Township Vending Committee),
Corporation of Chennai,
Chennai.2nd respondent in WP
No.17845/2017
- 4.The Chairperson /
Zonal Executive Engineer (Zone 10),
(The Township Vending Committee),
Corporation of Chennai,
Chennai.2nd respondent in WP
No.17847/2017

Common Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to consider and pass orders on the petitioner's representation dated 06.06.2017 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 just opposite to Avana Kapagam, Gandhi Irwin Road, near Chennai Corporation Public Toilet, Egmore, Chennai 600 008 (WP No.17844 of 2017), Bunk Shop near India Shoe Company, Opposite to School, Mount Poonamallee High Road, Chennai 600 089 (WP No.17845 of 2017), Bunk shop at Alayam, near Peepal Tree (Arasamaram), Near Tamilvazhi Salai Public Convenience, Egmore, Chennai 600 008 (WP No.17846 of 2017), Bunk Shop at Kanadhasan Street, Just Opposite to Ilgris Apartments, Backside to Corporation Playground, Chennai - 600 017 (WP.No.17847 of 2017) , wherein selling tea, coffee and food items by using LPG stove.

For Petitioners in
all WPs : Mr.L.Chandrakumar
For Respondents in
all WPs : Mr.A.Nagarajan

COMMON ORDER

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

By consent, all these writ petitions are taken up for final disposal.

WP.No.17844 of 2017

The petitioner is a differently abled person having a locomotor disability of 90% and she is running a Bunk Shop just opposite to Avana Kapagam, Gandhi Irwin Road, near Chennai Corporation Public Toilet, Egmore, Chennai 600 008 and she is using to sell tea, coffee and food items in a hygienic manner and is earning a very meager sum and out of that only she has to take care of herself and her family. The grievance is that despite the enactment of the Street Vendor (Protection of livelihood and Regulation of Street Vending), 2004 and the rules framed thereunder, the petitioner is deprived of the said benevolence of the enactment. In this regard, she has also submitted her representation dated 06.06.2017 to the 2nd respondent and despite receipt and acknowledgment of the same, no orders have been passed and hence came forward to file this writ petition.

WP.No.17845 of 2017

The petitioner is a differently abled person having a locomotor disability of 75% and she is running a Bunk Shop near India Shoe Company, opposite to School, Mount Poonamallee High Road, Chennai 600 089 and she is selling tea, coffee and food items in an hygienic manner and she is earning a very meager sum and out of that only she has to take care of herself and her family. The grievance is that despite the enactment of the Street Vendor (Protection of livelihood and Regulation of Street Vending), 2004 and the rules framed thereunder, the petitioner is deprived of the said benevolence of the Enactment. In this regard, she has also submitted her representation dated 06.06.2017 to the 2nd respondent and despite receipt and acknowledgment of the same, no orders have been passed and hence came forward to file this writ petition.

WP.No.17846 of 2017

The petitioner is a differently abled person having a locomotor disability of 90% and he is owing a Push Cart at Alayam, near Peepal tree (Arasamaram), near Tamilvazhi Salai Public Convenience, Egmore, Chennai 600 008 and he selling tea, coffee and food items in an hygienic manner and he is earning a very meager sum and out of that only he has to take care of himself and his family. The grievance is that despite the enactment of the Street Vendor (Protection of livelihood and Regulation of Street Vending), 2004 and the rules framed thereunder, the petitioner is deprived of the said benevolence of the enactment. In this regard, he has also submitted his representation dated 06.06.2017 to the 2nd respondent and despite receipt and acknowledgment of the same, no orders have been passed and hence came forward to file this writ petition.

WP.No.17847 of 2017

The petitioner is a differently abled person and she is running a bunk shop at Kanadhasan Street, just opposite to Ilgris Apartments, Chennai-600017 and she is using to sell tea, coffee and food items in a hygienic manner and she is earning a very meager sum and out of that only she has to take care of herself and her family and further that the allegation of bunk shop is no way cause any inconvenience to the general public. The grievance is that despite the enactment of the Street Vendor (Protection of livelihood and Regulation of Street Vending), 2004 and the rules framed thereunder, the petitioner is deprived of the said benevolence of the enactment. In this regard, she has also submitted her representation dated 06.06.2017 to the 2nd respondent and despite receipt and acknowledgment of the same, no orders have been passed and hence, came forward to file this writ petition.

2. The learned counsel appearing for the petitioners would submit that all the representations were submitted in party-in-person to the 2nd respondent and were acknowledged and in spite

of it, no orders have been passed, conferring the benefit under the said Statutory enactment and pending disposal of the same, attempts were made to dispossess/evict the petitioners and therefore, they are constrained to approach this Court by filing these writ petitions.

3. Per contra, Mr.A.Nagarajan, learned Standing counsel appearing for respondents 1 and 2 would submit that in compliance of the said statutory provisions, steps are being taken and if the claims of the petitioner are genuine one, it will be considered in accordance with law.

4. This Court has considered the rival submission and also perused the materials placed before it.

5. Though the petitioners pray for a larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the same, directs the 2nd respondent to consider and dispose of the representation and pass orders on merits and in accordance with law within a period of four weeks from the date of receipt of copy of this order and communicate the decision taken to the petitioners and till such time, shall defer further decision to remove the Bunk Shop/Push Cart.

6. Accordingly, these writ petitions stand disposed of. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

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To

1. The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai 600 003.

WEB COPY

2. The Chairperson /
Zonal Executive Engineer (Zone 5),
(The Township Vending Committee),
Corporation of Chennai,
Chennai.

3. The Chairperson /
Zonal Executive Engineer (Zone 12),
(The Township Vending Committee),
Corporation of Chennai,
Chennai.

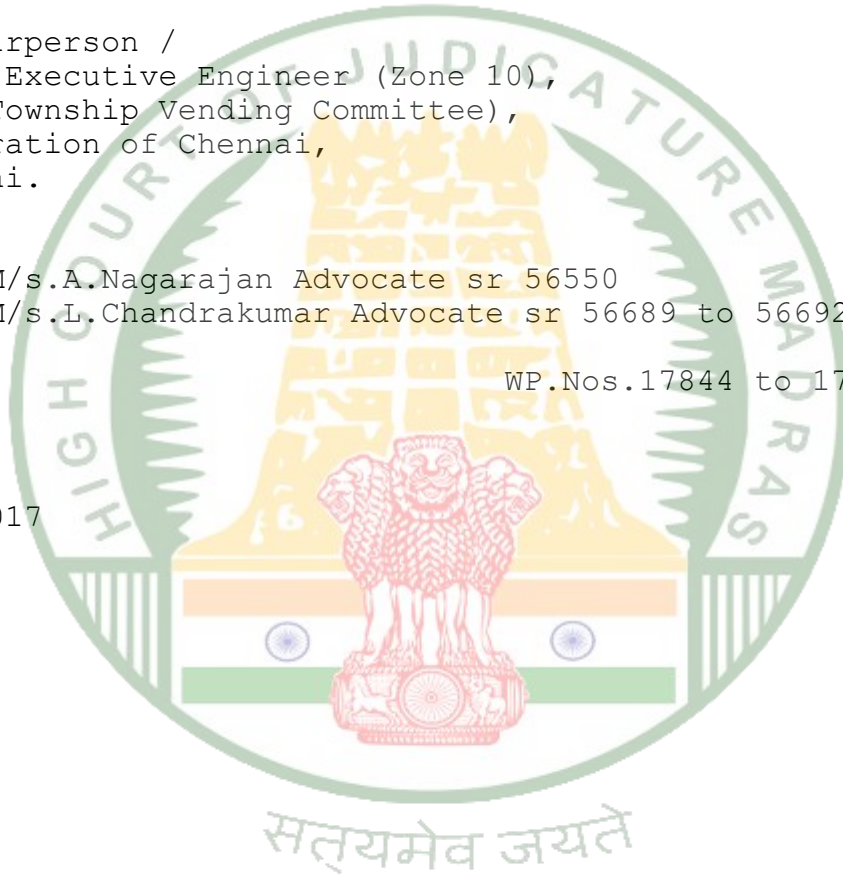
4. The Chairperson /
Zonal Executive Engineer (Zone 10),
(The Township Vending Committee),
Corporation of Chennai,
Chennai.

+1 cc to M/s.A.Nagarajan Advocate sr 56550

+4 cc to M/s.L.Chandrakumar Advocate sr 56689 to 56692

WP.Nos.17844 to 17847 of 2017

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aa05/09/2017



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