

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.1884 of 2017

C.Sethu

...Petitioner

-vs-

1. The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai 600 003
2. The Zonal Executive Engineer
Zone No.13, Corporation of Chennai
(Chairperson, Street Vending Committee)
Adyar, Chennai 600 020

...Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to consider and pass orders on the petitioner's representation dated 05.12.2016 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.38/1, ECR Road, Thiruvalluvar Nagar, Near R.T.O.Office, Thiruvanniyur, Chennai 600 041.

For Petitioner : Mr.L.Chandrakumar
for Mr.E.Naveen

For Respondents : Mr.P.V.Selvakumar

ORDER

Mr.C.Sethu, claiming to be a differently abled person with 70% locomotor disability, is running a bunk shop at No.38/1, E.C.R. Road, Thiruvalluvar Nagar, Near R.T.O.Office, Thiruvanniyur, Chennai 600 041 for several years by selling tea, coffee and food items in a hygienic manner. As he is eking out his livelihood by taking care of his family and himself, he is under an apprehension that the respondents at any time may disturb his bunk shop. If they are allowed to disturb the

petitioner's bunk shop, he will be forced to beg on the streets. Referring to an order passed by the Hon'ble First Bench in W.P.Nos.18677 of 2014 etc. batch dated 3.9.2015 (A.Sekar etc., etc., v. The Commissioner, Corporation of Chennai & others), the learned counsel for the petitioner submitted that the second respondent herein may be directed to consider the case of the petitioner. Again, placing on record an order passed by me in W.P.No.1336 of 2017 dated 19.1.2017 (V.Velankanni v. The Commissioner, Corporation of Chennai and another), he prayed for allowing this writ petition, in the light of the aforementioned two orders.

2. Mr.P.V.Selvakumar, learned standing counsel takes notice on behalf of the respondents.

3. It appears that the petitioner is a physically challenged person with 70% locomotor disability. As he has been running a bunk shop at No.38/1, E.C.R. Road, Thiruvalluvar Nagar, Near R.T.O.Office, Thiruvannamiyur, Chennai 600 041 for the past several years, in the light of the order dated 3.9.2015 passed by the Hon'ble First Bench in W.P.Nos.18677 of 2015 batch, whether a bunk shop is to exist or not, if it is to exist, at what location or whether there is need for some other measures of rehabilitation by regulated vending through other methodology are the aspects the committee would have to examine, which was followed by me in W.P.No.1336 of 2017 dated 19.1.2017, the second respondent-Zonal Executive Engineer, Zone No.13, Corporation of Chennai, who is the Chairperson of Street Vending Committee, is hereby directed to consider and dispose of the petitioner's representation dated 05.12.2016 within a period of four weeks from the date of receipt of a copy of this order. The writ petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

SS

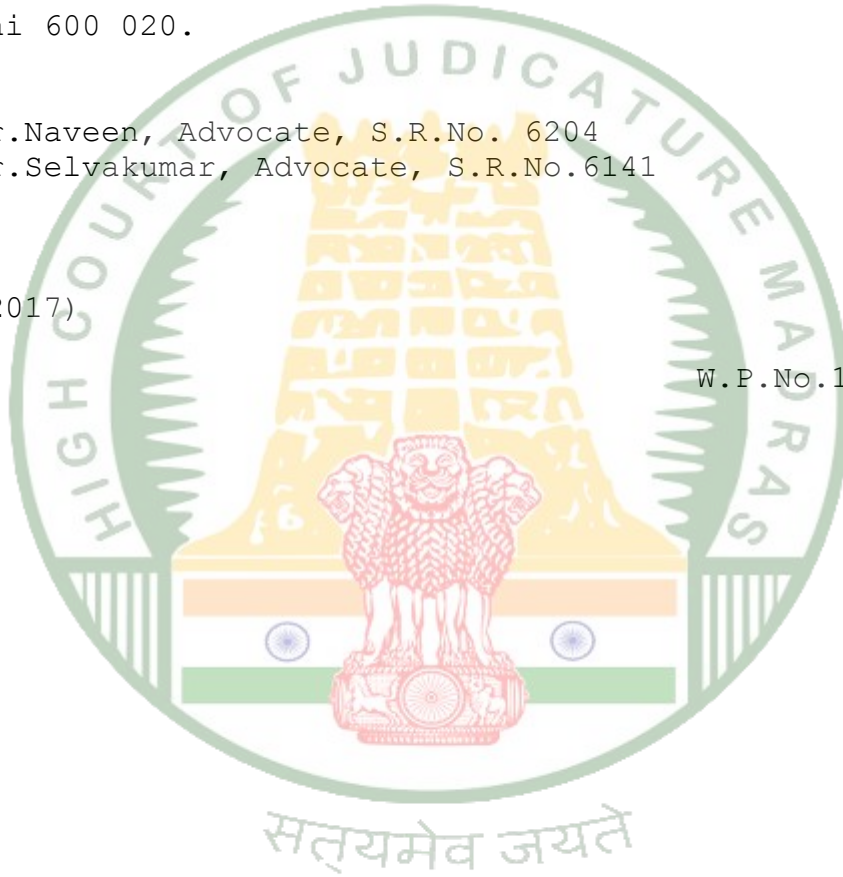
To

1. The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai 600 003
2. The Zonal Executive Engineer
Zone No.13, Corporation of Chennai
(Chairperson, Street Vending Committee)
Adyar
Chennai 600 020.

+1cc to Mr.Naveen, Advocate, S.R.No. 6204
+1cc to Mr.Selvakumar, Advocate, S.R.No.6141

PA(CO)
RS(09/02/2017)

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