

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2017

CORAM

THE HON'BLE Mr. JUSTICE M.DURAISWAMY

W.P.No.19035 of 2017 &
W.M.P.No.20551 of 2017

G.Shankari

... Petitioner

v.

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

2.The Chairperson/
Zonal Executive Engineer (Zone No.5)
Corporation of Chennai
Basin Bridge Road
Chennai - 600 021

3.The Assistant Engineer
Corporation of Chennai
Ward No.59
Memorial Hall Road
Chennai - 600 003

... Respondents

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 29.05.2017 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, Tamil Nadu Old Government Dental Hospital, Sir Muthuswamy Salai (Left Side), Opposite to Chennai Fort Railway Station, Chennai - 600 003, wherein selling Tea, Coffee, Tiffin and Food items by using LPG stove.

For Petitioner : Mr.E.Naveen

For Respondents : Mr.P.V.Selvakumar
Addl. Government Pleader

O R D E R

Mr.P.V.Selvakumar, learned Additional Government Pleader, takes notice for the respondents. By consent, the main writ petition itself is taken up for disposal at the admission stage itself.

2. The petitioner has filed the above Writ Petition to issue a writ of mandamus directing the respondents to consider her representation dated 29.05.2017 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 her Bunk shop near, Tamil Nadu Old Government Dental Hospital, Sir Muthuswamy Salai (Left Side), Opposite to Chennai Fort Railway Station, Chennai - 600 003, wherein selling Tea, Coffee, Tiffin and Food items by using LPG stove.

3. The learned counsel appearing for the petitioner 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."

4. Mr.P.V.Selvakumar, learned Additional Government Pleader, appearing for the respondents submitted that the order passed by the Division Bench of this court can be followed in this writ petition also.

5. 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 petitioner's representation dated 29.05.2017 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 grounds urged in this writ petition can be raised before the Committee."

With these observations, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Rj

To

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

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Zonal Executive Engineer (Zone No.5)
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Chennai - 600 021

3.The Assistant Engineer
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+1 cc to Mr.P.V.Selvakumar Advocate sr 53081
+1 cc to Mr.E.Naveen Advocate sr 52681

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