

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2017

CORAM

THE HON'BLE Mr. JUSTICE M.DURAISWAMY

W.P.No.19036 of 2017 &
W.M.P.No.20552 of 2017

R.Saraswathi

... Petitioner

v.

1. The Secretary to Government
Local administration Department
Government of Tamil Nadu
Fort St. George
Chennai - 600 009.

2.The Chairperson/
Zonal Executive Engineer (Zone V)
(The Township Vending Committee)
Corporation of Chennai
Basin Bridge Road
Chennai - 600 021

... 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 22.05.2017 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 mobile handcart business near Krishnan Koil, No.54, NSC Bose Road, Chennai - 600 079, wherein selling fruit juice and cool drinks items.

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 22.05.2017 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 mobile handcart business near Krishnan Koil, No.54, NSC Bose Road, Chennai - 600 079, wherein selling fruit juice and cool drinks items.

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 22.05.2017 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 Secretary to Government
Local administration Department
Government of Tamil Nadu
Fort St. George
Chennai - 600 009.

2.The Chairperson/
Zonal Executive Engineer (Zone V)
(The Township Vending Committee)
Corporation of Chennai
Basin Bridge Road
Chennai - 600 021

+1 cc to M/s.E.Naveen Advocate sr 52682
+1 cc to M/s.P.V.Selvakumar Advocate sr 53082

सत्यमेव जयते

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