

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:04.12.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE SATRUGHANA PUJAHARI

WP.No.29446/2017 & WMP.No.31713/2017

M.Vijaya .. Petitioner

Versus

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

2.The Chairperson/
Zonal Executive Engineer Zone IX,
(The Township Vending Committee),
No.8, Lake Area, Nungambakkam,
Chennai-600 034.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for a writ of mandamus or any other appropriate writ or order or direction in the nature of Writ, directing the Respondents to consider and pass orders on the representation dated 27.09.2017 as per the provisions of the Street Vendors (Protection of Livelihood Regulation) Act, 2014 and the Tamil Nadu Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme and Rules, 2015 and consequently to grant permission/certificate of Vending to the petitioner's bunk shop situated opposite to Express Avenue (Southern Side) next to the shop run by one Mr.Mohanraj, differently abled person, allotted to him by way of order in W.P.No.8286 of 2011 and under the jurisdiction of Division No.115, Zone 9, Chennai Corporation.

For Petitioner : Mr.P.R.Dhilip Kumar for
Mr.R.Syed Mustafa
For RR 1 & 2 : Mr.A.Nagarajan

ORDER

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

By consent, the writ petition is taken up for final disposal. Mr.A.Nagarajan, learned Standing counsel appears on behalf of the respondents.

2 The petitioner claims that she is running a mobile Bunk Shop at Whites Road, Opposite to Express Avenue, Southern side, next to the shop run by one Mohanraj, who is a differently-abled person and he was having the benefit of the order passed in WP.No.8286/2011. The petitioner would further aver that the place in which the petitioner is running the mobile Bunk Shop, falls within the jurisdiction of Division No.115, Zone-IX and she is carrying on the said business for over 15 years and she is selling tea, biscuits, fruit juices and snack items strictly in accordance with the food safety norms and the petitioner would also aver that she got married in the year 1989 and was blessed with a daughter out of the wedlock and from the year 1996, she has been deserted by her husband and that with great difficulty, she is educating her daughter and at present, she is doing her +2 Course. The petitioner would state that she is also entitled to the benevolent provisions of the Tamil Nadu Street Vendors [Protection of Livelihood and Regulation of Street Vending] Act, 2014 and the Rules and Regulations framed thereunder and in this regard, she has also submitted representations dated 27.09.2017 and 03.10.2017 respectively to the respondents and also approached the Hawking Zone Implementation Committee headed by the Hon'ble Mr.Justice A.Ramamurthi, Judge [Retd] of this Court and the representation has also been forwarded to the Regional Deputy Commissioner [Central], Greater Corporation of Chennai, Shenoy Nagar, Chennai-600 030 and despite that, she is having a genuine apprehension that her mobile Bunk Shop is likely to be removed and hence, came forward to file the present writ petition.

3 The writ petition was listed for admission on 17.11.2017 and on that day, the learned counsel for the petitioner undertook to produce the photographs and the matter was again listed on 22.11.2017 and the learned

counsel for the petitioner undertook to furnish the relevant and necessary materials to show as to the long possession of the petitioner of the Bunk shop in question. The matter is listed today and the learned counsel for the petitioner prays for further time to produce the relevant materials and on merits of the case, he would submit that unless and until enumeration is done in terms of the provisions of the said Act, the petitioner cannot be dispossessed except by resorting to due process of law and prays for appropriate orders.

4 Per contra, Mr.A.Nagarajan, learned Standing counsel appearing for the respondents would submit that the petitioner did not produce any materials before this Court and hence, she cannot claim that her possession is long and a continuous one, so as to enable her to claim the benefits of the provisions of the Tamil Nadu Street Vendors [Protection of Livelihood and Regulation of Street Vending] Act, 2014.

5 This Court has considered the rival submissions and also perused the materials placed before it.

6 As per the provisions of the Tamil Nadu Street Vendors [Protection of Livelihood and Regulation of Street Vending] Act, 2014, enumeration is to be done, as to the area in question as well as the number of Bunk Shops / Stalls and according to the learned Standing counsel appearing for Corporation of Chennai, enumeration is being undertaken, Zone-wise and it may take some more time to complete the said exercise.

7 Though the petitioner has prayed 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, directs the respondents to carry out the enumeration exercise in terms of the provisions of the Tamil Nadu Street Vendors [Protection of Livelihood and Regulation of Street Vending] Act, 2014 and complete the same as expeditiously as possible, preferably within a period of twelve weeks from the date of receipt of a copy of this order in respect of Zone-IX and till such time, shall not disturb the possession of the petitioner in respect of mobile Bunk Shop in question. It is also made clear that till the said exercise is being carried by Zone-IX, the officials of Greater Corporation of Chennai, the petitioner shall not create any further encroachment and shall keep the space in and around the Bunk shop in a clean and sanitary condition and shall also strictly adhere to the Food Safety Norms in respect of the food articles being sold in the said shop.

8 The writ petition stands disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

1.The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai-600 003.

2.The Chairperson/
Zonal Executive Engineer Zone IX,
(The Township Vending Committee),
No.8, Lake Area, Nungambakkam,
Chennai-600 034.

+1cc to Mr.R.Syed Mustafa, Advocate SR.No.85372

WP.No.29446/2017

EV(CO)
sm:13.12.2017



WEB COPY