

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.Nos.29976 and 29977 of 2017

A.Ammu .. Petitioner in W.P.No.29976 of 2017

A.Subbiramani .. Petitioner in W.P.No.29977 of 2017

Vs.

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

2. The Chairperson/  
Zonal Executive Engineer (Zone No.9),  
(The Township Vending Committee),  
Corporation of Chennai,  
Chennai--600 034.

.. Respondents in W.P.No.29976 of 2017

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

2. The Chairperson/  
Zonal Executive Engineer (Zone No.7),  
(The Township Vending Committee),  
Corporation of Chennai,  
Chennai--600 053.

3. The State Commissioner for Differently Abled,  
Chepauk,  
Chennai-600 005. .. Respondents in W.P.No.29977 of 2017

Writ Petition No.29976 of 2017 filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to consider and pass orders on the petitioner's representation, dated 09.10.2017 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 the running of the petitioner's bunk shop No.198/756, opposite to Sangeetha Vidyalaya (Poompuhar), Vasam Avenue, Chennai-600 002, wherein selling tea, coffee and food items by using LPG stove.

of the Constitution of India praying for issuance of a Writ of Mandamus to direct the second respondent to consider and pass orders on the petitioner's representation, dated 06.10.2017 as per the provisions of the Street Vendors (Protection of Livelihood Regulation) Act, 2014 made for granting Certificate of Vending and till such time not to disturb the running of the petitioner's bunk shop No.1360/798, ONGC Housing Complex, Park Road, Anna Nagar West (Extension), Chennai-600 040, wherein selling tea, coffee and food items by using LPG stove.

For Petitioners:Ms.Jasmine Padma  
for Mr.L.Chandrakumar

For Respondents:Mr.T.C.Gopalakrishnan  
for RR-1&2 in both W.Ps.  
Mr.S.Diwakar,  
Spl.G.P. for R-3 in  
W.P.No.29977 of 2017

ORDER

Writ Petition No.29976 of 2017 is filed for issuance of a Writ of Mandamus to direct the respondents to consider and pass orders on the petitioner's representation, dated 09.10.2017 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 the running of the petitioner's bunk shop No.198/756, opposite to Sangeetha Vidyalaya (Poompuhar), Vasan Avenue, Chennai-600 002, wherein the petitioner is selling tea, coffee and food items by using LPG stove.

2. Writ Petition No.29977 of 2017 is filed for issuance of a Writ of Mandamus to direct the second respondent to consider and pass orders on the petitioner's representation, dated 06.10.2017 as per the provisions of the Street Vendors (Protection of Livelihood Regulation) Act, 2014 made for granting Certificate of Vending and till such time not to disturb the running of the petitioner's bunk shop No.1360/798, ONGC Housing Complex, Park Road, Anna Nagar West (Extension), Chennai-600 040, wherein the petitioner is selling tea, coffee and food items by using LPG stove.

3. The petitioner in W.P.No.29976 of 2017 is a differently abled person with 60% disability. She is running a Bunk Shop at No.198/756, opposite to Sangeetha Vidyalaya (Poompuhar), Vasan Avenue, Chennai-600 002, in which, she is selling tea, coffee and food items by using LPG stove and eking out her livelihood. It is stated by the petitioner in W.P.No.29976 of 2017 that her Bunk Shop is not disturbing the general public for free flow of traffic. The officials of the respondents are trying to interfere with the running of the

said Bunk Shop. Hence, the petitioner in W.P.No.29976 of 2017 has sent a representation, dated 09.10.2017 to the respondents to grant permission/Certificate of Vending for continuing her Bunk Shop in the said place.

4. The petitioner in W.P.No.29977 of 2017 is a differently abled person with permanent disability at 85%. He is running a Bunk Shop at No.1360/798, ONGC Housing Complex, Park Road, Anna Nagar West (Extension), Chennai-600 040, in which, he is selling tea, coffee and food items by using LPG stove and eking out his livelihood. It is stated by the petitioner in W.P.No.29977 of 2017 that his Bunk Shop is not disturbing the general public for free flow of traffic. The officials of the respondents are trying to interfere with the running of the said Bunk Shop. Hence, the petitioner in W.P.No.29977 of 2017 has sent a representation, dated 06.10.2017 to the respondents 1 and 2 to grant Certificate of Vending for continuing his Bunk Shop in the said place.

5. Since the petitioners have already sent the said representations to the respondents to consider their case for running the said Bunk Shops, if the petitioners are able to establish that they are running the said Bunk Shops on the said places, the respondents are directed to consider the said representations of the petitioners and pass appropriate orders on merits and in accordance with law, within a period of one month from the date of receipt of a copy of this order, after hearing the petitioners and others, if any, aggrieved. Before granting permission to run the said Bunk Shops, the authority concerned must ensure that the Bunk Shops of the petitioners shall not affect free flow of traffic and should not cause hindrance to the pedestrians/public and no harmful products like cigarettes, panparag, etc. that cause health hazards shall be sold. If it is found that the Bunk Shops of the petitioners violate the above conditions, the Bunk Shops shall be sealed without notice.

6. With the above observations and directions, the Writ Petitions are disposed of. No costs.

Sd/-  
Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

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

2. The Chairperson/

Zonal Executive Engineer (Zone No.9),  
(The Township Vending Committee),  
Corporation of Chennai,  
Chennai--600 034.

3. The Chairperson/

Zonal Executive Engineer (Zone No.7),  
(The Township Vending Committee),  
Corporation of Chennai,  
Chennai--600 053.

4. The State Commissioner for Differently Abled,  
Chepauk,  
Chennai-600 005.

+2cc to Mr.R.Kamaraj, Advocate SR.No.83159, 83158

+1cc to Mr.T.C.Gopala Krishnan, Advocate SR.No.82987

+1cc to Government Pleader SR.No.83724

W.P.No.29976 and 29977 of 2017

GN(11/12/2017)



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