

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2018

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.5829 of 2018

M.Thenmozhi,
running bunk shop near
Old Door No.357, New Door No.173,
Mint Street,
(M/s.V.Mohammed Ali Diamond Shop),
Chennai-600 079. Petitioner

Vs.

- 1.The Commissioner,
Corporation of Chennai,
Ribbon Buildings,
Chennai-600 003.
2. The Chairperson/Zonal
Executive Engineer, (Zone No.5),
Corporation of Chennai,
Basin Bridge Road,
Chennai-600 021. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents to consider and pass order on the petitioner's representation dated 09.03.2018 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 Old Door No.357, New Door No.173, Mint Street, (M/s.V.Mohammed Ali Diamond Shop), Chennai-600 079, wherein selling sugarcane juice and fruit juice items.

For Petitioner : M/s.L.Chandrakumar

For Respondents: Mr.T.C.Gopalakrishnan,
Standing Counsel

O R D E R

Heard Mr.L.Chandrakumar, learned counsel for the petitioner and Mr.T.C.Gopalakrishnan, learned Standing Counsel for the respondents/Corporation.

2. By consent of either side, the main writ petition itself is taken up for final disposal.

3. The petitioner has filed this writ petition for issuance of Writ of Mandamus to direct the respondents to consider and pass orders on the representation dated 09.03.2018, 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 Old Door No.357, New Door No.173, Mint Street, (M/s.V.Mohammed Ali Diamond Shop), Chennai-600 079, wherein selling sugarcane juice and fruit juice items.

4. The learned counsel appearing for the petitioner submitted that in similar circumstances, the Division Bench of this court, by an 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."

5. Mr.T.C.Gopalakrishnan, learned Standing Counsel for the respondents/Corporation submitted that the order passed by the Division Bench of this Court can be followed in this writ petition also.

6. 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 09.03.2018 and pass appropriate orders in accordance with law within a period of three months from the date of receipt of a copy of this order. Till such time, no coercive action shall be initiated against the petitioner. All the grounds urged in this writ petition can be raised before the Committee.

7. With the above observations, the writ petition is disposed of. No costs.

-s/d-
Deputy Registrar

True Copy

Sub-Assistant Registrar

To

1. The Commissioner,
Corporation of Chennai,
Ribbon Buildings,
Chennai-600 003.
2. The Chairperson/Zonal
Executive Engineer, (Zone No.5),
Corporation of Chennai,
Basin Bridge Road,
Chennai-600 021.

+1 CC to Mr.T.C.Gopalakrishnan,, Advocate sr 20407.
+1 CC to Mr.L. Chandrakumar, advocate sr 20539.

W.P.No.5829 of 2018

SP(04/04/2018)

सत्यमेव जयते

WEB COPY