

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 05.03.2018
CORAM
THE HONOURABLE MR. JUSTICE R.MAHADEVAN
Writ Petition Nos.4849 to 4853 of 2018

Usha ... Petitioner
(in WP.No.4849 of 2018)

Pushpalatha ... Petitioner
(in WP.No.4850 of 2018)

Srinivasan ... Petitioner
(in WP.No.4851 of 2018)

Panneerselvam ... Petitioner
(in WP.No.4852 of 2018)

Anthony ... Petitioner
(in WP.No.4853 of 2018)

Vs.

1.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai - 600 003. ... 1st respondent
(in all W.Ps)

2.The Chairperson /
Zonal Executive Engineer Zone No.9,
(The Township Vending Committee)
Corporation of Chennai,
Chennai - 600 034. ... 2nd Respondent
(in WP.Nos.4849 to 4851/2018)

2.The Chairperson /
Zonal Executive Engineer Zone No.5,
(The Township Vending Committee)
Corporation of Chennai,
Basin Bridge Road,
Chennai - 600 021. ... 2nd Respondent
(in WP.Nos.4852 & 4853/2018)

Prayer in W.P.No.4849 of 2018:

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents to consider and pass orders on the petitioner's representation dated 28.12.2017 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 Sudandhara Nagar Arch, Sudandhara Nagar, Moores Road, Thousand Light, Chennai - 600 006, wherein selling Tea, Coffee and Food items by using LPG stove.

Prayer in W.P.No.4850 of 2018:

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents to consider and pass orders on the petitioner's representation dated 28.12.2017 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 No.770/170, Deva Towers, Binny Road, Near Canara Bank Gate, Anna Salai, Chennai - 600 002, wherein selling Tea, Coffee and Food items by using LPG stove.

Prayer in W.P.No.4851 of 2018:

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents to consider and pass orders on the petitioner's representation dated 22.12.2017 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 at No.31-A/1, Venkatnarayana Road, Nandanam, Chennai - 600 035, wherein selling Tea, Coffee and Food items.

Prayer in W.P.No.4852 of 2018:

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents to consider and pass orders on the petitioner's representation dated 01.02.2018 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 Jain Temple, EVK Sampath Salai, Vepery, Chennai - 600 007, wherein selling Tea, Coffee and Food items by using LPG stove.

Prayer in W.P.No.4853 of 2018:

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents to consider and pass orders on the petitioner's representation dated 01.02.2018 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 opposite to Amma Hotel, Ranel Road, Egmore, Chennai - 600 008, wherein selling Tea, Coffee and Food items by using LPG stove.

For Petitioners : Mr.L.Chandrakumar
(in all W.Ps)

For Respondents : Mr.T.C.Gopalakrishnan
Standing counsel for Corporation
(in all W.Ps)

C O M M O N O R D E R

Mr.T.C.Gopalakrishnan, learned Standing counsel takes notice for the respondents. By consent, the main writ petitions are taken up for final disposal at the admission stage itself.

2. These writ petitions have been filed, seeking a Mandamus, directing the respondents to consider the petitioners' representations and to grant permission / Certificate of Vending, as per the provisions of the Street Vendors (Protection of Livelihood Regulation) Act, 2014 and till such time, not to disturb with the running of the petitioners' bunk shops.

3. The learned counsel appearing for the petitioners submitted that in similar circumstances, the Division Bench of this court, by order dated 28.02.2017 in W.P.No.5000 of 2017 (D.Elangovan Vs. The Commissioner, Corporation of Chennai and another), 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."

Therefore, the learned counsel prayed for similar order in these writ petitions as well.

4. Mr.T.C.Gopalakrishnan, learned Standing Counsel appearing for the respondents has no objection in passing such order in these writ petitions.

5.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the Vending Committee constituted vide G.O.(4D)No.5, Municipal Administration and Water Supply (MCI) Department, dated 05.10.2016, to consider the petitioners' representations dated 28.12.2017, 28.12.2017, 22.12.2017, 01.02.2018 and 01.02.2018 in the respective Writ Petitions and pass appropriate orders, on merits and 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 taken against the petitioners. All the grounds urged in these writ petitions can be raised before the Committee.

6. Accordingly, all the Writ Petitions are disposed of. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

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

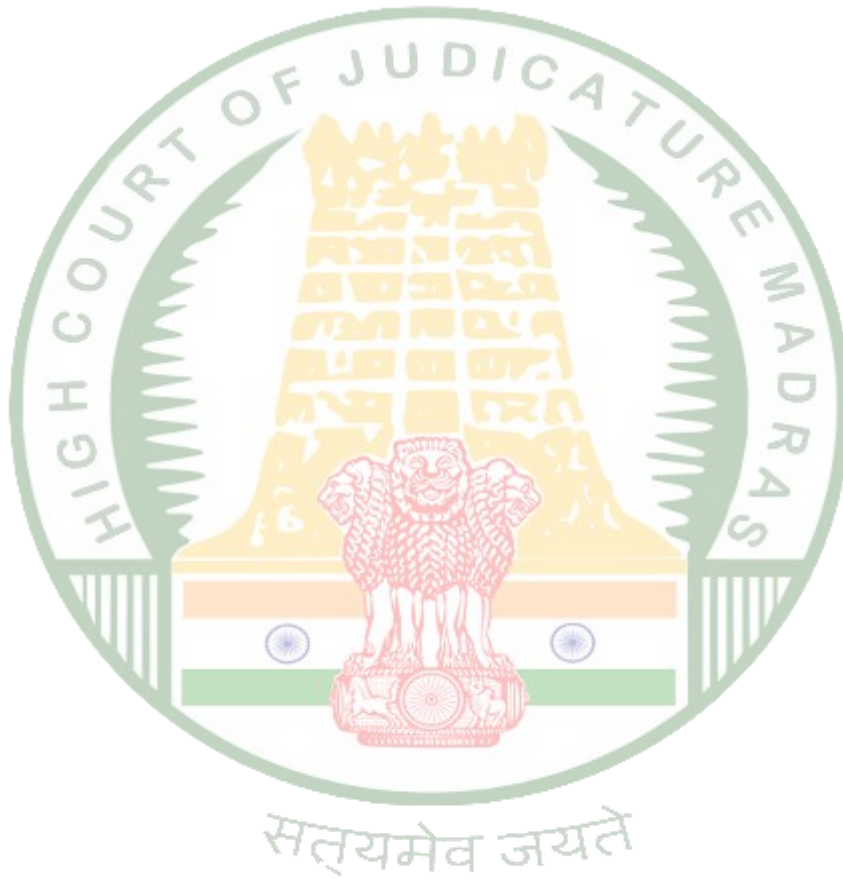
2.The Chairperson /
Zonal Executive Engineer Zone No.9,
(The Township Vending Committee)
Corporation of Chennai,
Chennai - 600 034.

3.The Chairperson /
Zonal Executive Engineer Zone No.5,
(The Township Vending Committee)
Corporation of Chennai,
Basin Bridge Road,
Chennai - 600 021.

+5 ccs to Mr.R.Kamaraj Advocate sr 16947 to 16951
+1 cc to Mr.T.C.Gopalakrishnan Advocate sr 16622

Writ Petition Nos.4849 to 4853 of 2018

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