

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.10811 of 2018
and W.M.P.No.12751 of 2018

T.A.Muthu

...Petitioner

Versus

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

2.The Chairperson /
Zonal Executive Engineer (Zone-9),
(The Township Vending Committee),
Corporation of Chennai,
Nungambakkam,
Chennai - 600 034.

... Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the respondents to consider and pass orders on the petitioner's representation dated 18.04.2018 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 at No.122, Nungambakkam High Road, Opposite to Ispahani Centre backside, Near to Door No.3, Nungambakkam High Road 4th Lane, Chennai - 600 034, wherein STD/PCO Booth, Xerox and also selling tea, coffee, snacks and other food items.

For Petitioner : Mr.L.Chandrakumar

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

O R D E R

Mr.T.C.Gopalakrishnan, learned Standing Counsel takes notice for the respondents. By consent of both parties, the Writ Petition is taken up for final hearing at the admission stage itself.

2.The petitioner has come up with the present writ petition seeking issuance of a Writ of Mandamus, to direct the respondents to consider and pass orders on his representation dated 18.04.2018, as per the provisions of the Street Vendors (Protection of Livelihood Regulation) Act, 2014 made for granting permission or Certificate of Vending and till such time not to disturb with the running of his bunk shop at No.122, Nungambakkam High Road, Opposite to Ispahani Centre backside, Near to Door No.3, Nungambakkam High Road 4th Lane, Chennai - 600 034.

3. The case of the petitioner is that he is a physically challenged person having disability of 70% and he is running a bunk shop at No.122, Nungambakkam High Road, Opposite to Ispahani Centre backside, Near to Door No.3, Nungambakkam High Road 4th Lane, Chennai, for his livelihood. The officials of the respondents are trying to interfere with the running of his business. Hence, he gave a representation to the second respondent on 18.04.2018. Since no action was taken, the present writ petition.

4. The learned Standing Counsel appearing for the respondents submitted that the petitioner is still running his business in the said place and if a fresh representation is given to the Vending Committee, the same would be considered in accordance with law.

5. In the light of the above facts and submissions, this Court, without going into the merits of the case, directs the petitioner to give fresh representation to the Vending Committee within a period of two weeks from the date of receipt of a copy of this order. On receipt of the said representation, the Vending Committee shall consider the same and pass orders, on merits and in accordance with law, within a period of three months therefrom, after providing an opportunity of personal hearing to the petitioner. Till such time, the respondents shall not take any coercive action against the petitioner.

6. With the above observation and directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

To

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

2.The Chairperson /
Zonal Executive Engineer (Zone-9),
(The Township Vending Committee),
Corporation of Chennai,
Nungambakkam,
Chennai - 600 034.

+ 1 cc to Mr.L. Chandra Sekar, Advocate Sr.32518

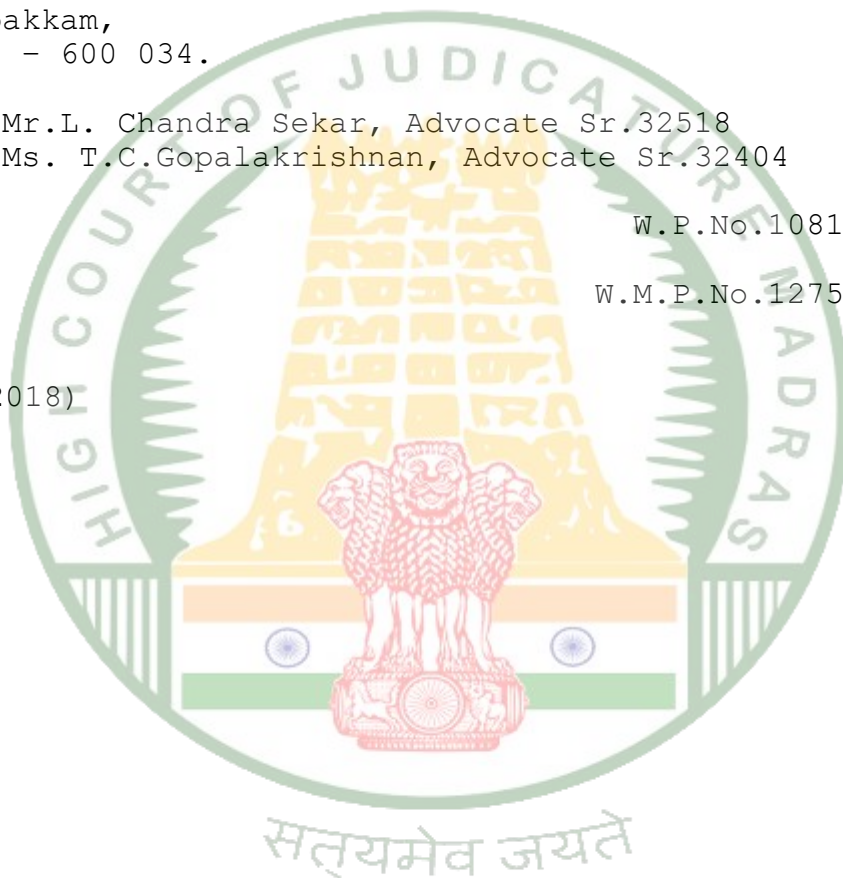
+ 1 cc to Ms. T.C.Gopalakrishnan, Advocate Sr.32404

W.P.No.10811 of 2018

and

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KAN(CO)
EU(18/05/2018)



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