

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 01.08.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P.No.4953 of 2018
and
W.M.P.No.6106 of 2018

Hari Prasath

... Petitioner

Vs.

1.The Commissioner,
Corporation of Chennai,
No. 14th Cross Street,
Valluar Kottam
Chennai.

2.The Chairperson,
Zonal Executive Engineer (Zone-9)
(Township vending committee),
Corporation of Chennai,
Chennai.

3.K.S.Srikumar

... Respondents

(R3 impleaded as per order of this Court
dated 23.07.2018 in W.M.P.No.8488 of 2018
in W.P.No.4953 of 2018)

Writ Petition filed under Article 226 of the
Constitution of India praying for the issuance of a Writ of
Certiorarified Mandamus, calling for records relating to the
first respondent's proceedings in M.A.A.NA.KA.NO.E/
1/01919/2018, dated 21/02/2018, to quash the same and
consequently direct respondents 1 and 2 for granting
permission/Certificate of vending and till such time not to
disturb with the running of the petitioner's Bunk Shop just
opposite to Bharat Petrol Bunk, Teynampet, Chennai-18, as per
the provisions of Street Vendors (Protection of Livelihood
Regulation) Act, 2014, wherein selling tea, coffee and food
items.

For Petitioner : Mr.N.Chinnaraj

For Respondents: Mr.T.C.Gopalakrishnan
Standing counsel for R1 and R2
Mr.R.Amizhdhu for R3

O R D E R

Heard Mr.N.Chinnaraj, learned counsel for the petitioner, Mr.T.C.Gopalakrishnan, learned Standing counsel for the respondents 1 and 2 and Mr.R. Amizhdhu, learned counsel for the third respondent and perused the materials available on record.

2. This writ petition has been filed for issuance of a writ of certiorarified mandamus to quash the rejection order of the first respondent dated 21.02.2018, wherein the petitioner sought for licence to run the bunk shop.

3. According to the petitioner, he was running a bunk shop opposite to Rathna Nagar, Teynampet, Chennai-18, for long number of years. In the impugned order, it has been stated that a survey was conducted by the respondents from 18.4.2017 to 09.6.2017, which would reveal that the petitioner was not running a bunk shop in the said premises. It is further stated that there was an objection from the residence of the said area for establishment of bunk shop and it would cause inconvenience to the passers by.

4. When the writ petition is taken up for hearing, the learned counsel for the petitioner submitted that after filing of this writ petition, the bunk shop was removed and the petitioner is ready to submit a fresh representation to the second respondent for allotment of an area in some other place.

5. The learned counsel for the second respondent submitted that the petitioner was not at all running the bunk shop in the place opposite to Rathna Nagar, Teynampet, Chennai -18 and if a fresh representation is given, the same would be considered in accordance with law.

6. In the light of the above submissions, this writ petition is disposed of with liberty to the petitioner to give a fresh representation to the second respondent, seeking licence in some other place. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-II)

// True Copy//

Sub Assistant Registrar

To

1.The Commissioner,
Corporation of Chennai,
No. 14th Cross Street,
Valluar Kottam
Chennai.

2.The Chairperson,
Zonal Executive Engineer (Zone-9)
(Township to vending committee),
Corporation of Chennai,
Chennai.

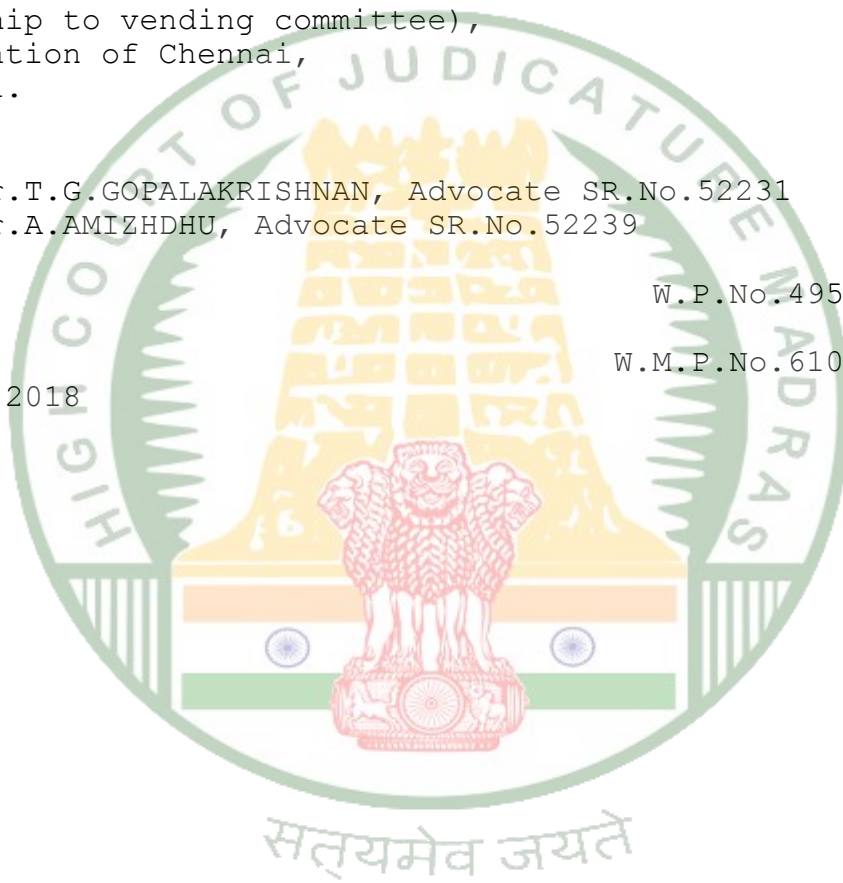
+1cc to Mr.T.G.GOPALAKRISHNAN, Advocate SR.No.52231

+1cc to Mr.A.AMIZHDHU, Advocate SR.No.52239

W.P.No.4953 of 2018
and

W.M.P.No.6106 of 2018

SMI/21.08.2018



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