

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.10975 of 2018
and
W.M.P.No.12885 of 2018

R.Sakhila

...Petitioner

Versus

1.The State Commissioner for
Differently Abled,
Kamarajar Salai,
Chennai - 600 005.

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

3.The Zonal Officer / Executive Engineer,
(Chairperson, Township Vending Committee),
Zone No.12, Corporation of Chennai,
Alandur, Chennai - 600 016.

... Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the respondents 2 and 3 to consider and pass orders on the petitioner's representation dated 22.04.2018 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 the petitioner's bunk shop at Jayant Tech Park, Opp.to Outgate Padmini Garden Street, Nandambakkam, Chennai - 600 089, by selling Tea, Coffee, Snacks and 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 2 and 3 to consider and pass orders on her representation dated 22.04.2018, 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 her bunk shop at Jayant Tech Park, Opp.to Outgate Padmini Garden Street, Nandambakkam, Chennai, by selling Tea, Coffee, Snacks and Food items.

3. The case of the petitioner is that she is a physically challenged person having disability of 70% and she is running a bunk shop at Jayant Tech Park, Opp.to Outgate Padmini Garden Street, Nandambakkam, Chennai, by selling tea, coffee, snacks and food items, for her livelihood. It is further stated that she has filed a petition in W.P.No.43360 of 2016 before this Court forbearing the second respondent from interfering with running of the bunk shop and this Court passed an order dated 16.12.2016, holding that, members have been appointed and it is for the Town Vending Committee to take a decision. However, the officials of the respondents are trying to interfere with the running of the petitioner's business. Hence, she gave a representation to the third respondent on 22.04.2018. 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 her business in the said place and if a representation is given to the vending committee, it 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(CCC)

//True Copy//

Sub Assistant Registrar

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To

- 1.The State Commissioner for
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Chennai - 600 003.
- 3.The Zonal Officer / Executive Engineer,
(Chairperson, Township Vending Committee),
Zone No.12, Corporation of Chennai,
Alandur, Chennai - 600 016.

+1cc to Mr.R.KAMARAJ, Advocate, S.R.No.32513
+1cc to Mr.T.C.GOPALAKRISHNAN, Advocate, S.R.No.32412

W.P.No.10975 of 2018
and

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KGK(CO)
TR(22/05/2018)

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