

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.Nos.33974 & 33975 of 2017

C.Nithyananadham ... Petitioner in W.P.No.33974 of 2017

K.JothiPetitioner in W.P.No.33975 of 2017

vs.

1. The Commissioner,
Corporation of Chennai,
Ribbon Buildings,
Chennai - 600 003. ... First Respondent in both the W.Ps.

2.The Chairperson/
Zonal Executive Engineer (Zone No.9),
(The Township Vending Committee),
Corporation of Chennai,
Chennai - 600 034.
.. Second Respondent in W.P.No.33974 of 2017

2.The Chairperson/
Zonal Executive Engineer (Zone No.13),
(The Township Vending Committee),
Corporation of Chennai,
Adyar, Chennai - 600 020.
.. Second Respondent in W.P.No.33975 of 2017

Prayer in W.P.No. 33974 of 2017: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents to consider and pass orders on the petitioner's representation dated 09.12.2017 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.96, Nungambakkam High Road, Near Kaveri Complex, Chennai 600034, wherein selling tea, coffee and food items.

Prayer in W.P.No. 33975 of 2017: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents to consider and pass orders on the petitioner's representation dated 01.12.2017 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 Door No.174, Sathiya Dev Avenue, near Open Park, opposite to Cee Bros, Chennai 600028.

For Petitioner : M/s.V.Shanmugam
(in both the petitions)

For Respondents : Mr.T.C.Gopalakrishnan,
(in both the petitions) Standing Counsel for Corporation

C O M M O N O R D E R

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

2. Writ Petition No.33974 of 2017 is filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct the respondents to consider and pass orders on the petitioner's representation dated 09.12.2017 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.96, Nungambakkam High Road, Near Kaveri Complex, Chennai 600034, wherein selling tea, coffee and food items.

3. Writ Petition No.33975 of 2017 is filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct the respondents to consider and pass orders on the petitioner's representation dated 01.12.2017 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 Door No.174, Sathiya Dev Avenue, near Open Park, opposite to Cee Bros, Chennai 600028.

4. The learned counsel appearing for the petitioners submitted that in similar circumstances, the Division Bench of this court, by 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 counsel for Corporation, appearing for the respondents submitted that the order passed by the Division Bench of this Court can be followed in these writ petitions 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 petitioners' representations dated 09.12.2017 and 01.12.2017 in the respective Writ Petitions 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 petitioners. All the grounds urged in these writ petitions can be raised before the Committee.

7. With the above observations, the Writ Petitions are disposed of. No costs.

Sd/-
Deputy Registrar

/true copy/ जयते

Sub Asst. Registrar

pvs

To

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

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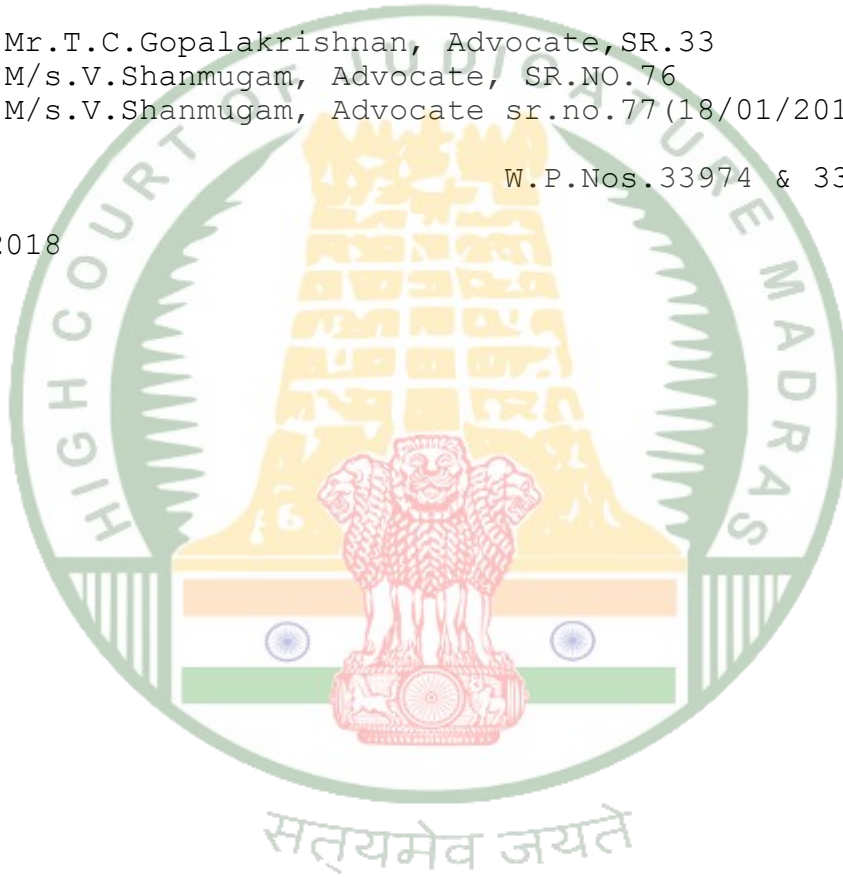
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Zonal Executive Engineer (Zone No.13),
(The Township Vending Committee),
Corporation of Chennai,
Adyar, Chennai - 600 020.

+ 1 cc to Mr.T.C.Gopalakrishnan, Advocate, SR.33
+ 1 cc to M/s.V.Shanmugam, Advocate, SR.NO.76
+ 1 cc to M/s.V.Shanmugam, Advocate sr.no.77 (18/01/2018)

W.P.Nos.33974 & 33975 of 2017

NR 17/01/2018



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