

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.20448 of 2010

M.Dinakaran

.. Petitioner

Versus

1.The Special Commissioner for Handicapped,
Office of the State Commissioner for Disable,
No.15/1, Model School Road,
Thousand Lights,
Chennai - 600 006.

2.The Commissioner,
Chennai Corporation,
Ripon Buildings, Chennai - 600 003.

3.The Zonal Officer,
Zonal Office - VIII,
Corporation of Chennai,
No.117, NSK Salai,
Kodambakkam, Chennai - 24.

.. Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus, calling for the records relating to notice dated nil issued by the second respondent under Section 222 of the Chennai City Municipal Corporation Act IV of 1919 and quash the same as null and void and consequently forbearing the respondents 2 & 3 from interfering with bunk shop business of the petitioner in front of Pondy Bazzar Head Post Office, Opposite to No.15, Sivagnam Road, T.Nagar, Chennai - 600 017, till he is accommodated in alternative place nearest to his bunk shop.

For Petitioner : Mr.K.Lavan

For Respondents : Mr.V.Shanmuga Sundar
Special Government Pleader for R1
Mr.V.C.Selvasekaran
Standing Counsel for R2 & R3

O R D E R

The petitioner challenges the notice under Section 222 of the Chennai City Municipal Corporation Act IV of 1919.

2. Heard the learned counsel for the petitioner, the learned Special Government Pleader appearing for the first respondent and the learned Standing Counsel appearing for the respondents 2 and 3 and perused the materials available on record.

3. The case of the petitioner is that he is a physically challenged person having disability of 70 %. He has studied up to 10th standard and he is coming from a poor background. So as to meet his needs, he has started the bunk shop in front of Pondy Bazaar Head Post Office, Opposite to No.15, Sivagnam Road, T.Nagar, Chennai - 600 017.

4. The learned counsel for the petitioner submitted that in view of the promulgation of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, the grievance of the petitioner could be redressed by the Vending Committee and the petitioner is ready to approach the Committee by filing a necessary application.

5. The learned counsel for the petitioner further submitted that the petitioner is still running a business, in the light of the Interim stay granted in this writ petition, on 07.09.2010.

6. The submissions of the learned counsel is not disputed by the learned Standing Counsel appearing for the respondents 2 and 3.

7. Taking note of the above facts, 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 representation of the petitioner and pass orders, on merits and in accordance with law, after providing an opportunity of personal hearing to the petitioner, within a period of eight weeks therefrom. Till such time, the respondents shall not disturb the running of the petitioner's shop.

8. With the above observation and directions, the writ petition is disposed of. No costs.

Ms

Sd/-
Assistant Registrar
/TRUE COPY/

Sub-Assistant Registrar

To

1.The Special Commissioner for Handicapped,
Office of the State Commissioner for Disable,
No.15/1, Model School Road,
Thousand Lights,
Chennai - 600 006.

+1CC to Mr.K.Lavan, Advocate in SR.NO. 19200/18

+1 CC to Government Pleader Advocate SR.NO. 20096/18

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SR.NO. [CO]
MLT-28/03/2018



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