

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.VENUGOPAL
AND
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.25181 of 2017

Tamil Nadu Street Vendors Welfare
Association (Federation-Nasvi),
Rep. by its President R.Anbuvendhan, M/46 years,
S/o Ragavan, having office at
No.739/136, Thandavarayan Chathiram,
Shenoy Nagar, Chennai. ... Petitioner

Vs.

1. The Commissioner,
Chennai Corporation,
Rippon Building,
Greater Chennai, Chennai-3.
2. The Deputy Commissioner,
South Regional Zone,
Greater Chennai, Chennai.
3. The Zonal Officer,
Chennai Corporation, Zone-13,
Adyar, Chennai. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents to consider petitioner's representation, dated 21.07.2017 and 21.08.2017 within the time that may be prescribed by this Court.

For petitioner : Mr.S.Sugendran
For respondent: Mr.A.Nagarajan

ORDER

(The Order of the Court was made by S.Vaidyanathan, J)

The petitioner has come forward with this Writ Petition praying for issuance of a Writ of Mandamus to direct the respondents to consider petitioner's representation, dated 21.07.2017 and 21.08.2017 within the time that may be prescribed by this Court.

2. When the Writ Petition is taken up for hearing, learned Standing Counsel appearing for the respondents/Corporation of Chennai drew the attention of this Court to the counter affidavit filed by the respondents, wherein it has been stated that based on various complaints, there was inspection of the location in question at which the bunk shops/food shop owners/tenants atrocity during peak hours and their behaviour with public and vehicle movement, and it was decided to remove all the unhygienic food shops and accordingly, the respondents have removed all the shops from the location on 03.08.2017.

3. In the present Writ Petition, the petitioner-Association has requested that their members may be permitted to run the shops in the same place/location. As the respondents/Corporation of Chennai had removed the encroachment and as the respondents have decided not to grant any permission to run the food shops/bunk shops in the place where the members of the petitioner/Association occupied and that some of the shops have been permitted to run by the Corporation officials and that the Greater Chennai Corporation conducted survey of street vendors and bio-metric have also been completed in Zone 13, we are of the view that the relief sought for by the petitioner-Association cannot be granted.

4. Further, one of us (S.Vaidyanathan,J) sitting singly dealt with the matters dealing with Hawking/Vending Committee and if the members of the petitioner-Association come under the zone of consideration, it is not a bar for the authorities to consider the request of the members of the petitioner-Association to run the shops, but the petitioner-Association, as a matter of right, cannot demand the very same place where they were running the business, when the fact remains that in paragraph 6 of the counter affidavit, it is stated that complaints were received from I.T. companies and fashion technology, ladies hostel, etc., located in Ramanujam IT Park Road, wherein about 45 food shops were functioning in unhygienic condition and that the persons are creating problem to the ladies who have to have ingress and egress to the ladies hostel. Hence, on this score also, the relief sought for by the petitioner cannot be granted.

5. In the above context, it is worthwhile to mention that one of us (S.Vaidyanathan,J) while sitting singly as stated supra, observed as follows in W.P.Nos.32355 to 32358, 32668 and 32812 of 2017, by order dated 21.12.2017:

"11. On a perusal of the above Statement, it is seen that it does not contain the names of persons to whom bunk shops were allotted by the officials or their residential address or the persons, whom the

aggrieved persons approached and made representations before the appropriate authority.

12. It is represented by the learned counsel appearing for the second respondent/Corporation that each Zone has got separate authority, who will hear the request of the petitioners and that the petitioners can make their representations before the said Vending/Hawking committee.

13. This Court expects that the details of the Committee have got to be exhibited in the Notice Board in that area, in order to enable the aggrieved persons, note down the Circular containing the names of persons or to take photographs of the Circular, so that, representations can be made, which will prevent the litigant run from pillar to post. As and when a Committee Member is replaced by another Member, such details shall also be immediately exhibited in the Notice Board.

14. As representations are pending pursuant to the order of this Court, the respondent-Corporation of Chennai is expected to dispose of the same at the earliest point of time, within the time stipulated by this Court and the Vending/Hawking committee must ensure that the said bunk shops in these Writ Petitions are preferably not situated before/near the Schools, Colleges and Hospitals and that they shall not sell any hazardous products like cigarettes, paanparag, etc. Petitioners herein are eking out their livelihood by running bunk shops. Hence, it is for the State to encourage self-employment, as they are not in a position to provide employment to all citizens, who are qualified. By creating self-employment, the State can ensure compliance of Article 19 and Article 41 of the Constitution of India. It is needles to state that the Corporation of Chennai, which has formed the Vending/Hawking committees, shall consider the request of aggrieved persons at the earliest point of time, so that they can decide about the further course of action, either to question the rejection order or to enable the aggrieved persons, take up other avocation.

15. Accordingly, the petitioners shall make fresh representations to the the Vending/Hawking Committee within one month from the date of receipt of a copy of this order and the same shall be considered by the said Committee within a period of one month, thereafter. The names of the members of the Vending/Hawking Committee shall be furnished to the petitioners or exhibited in the Notice Board in the respective Zone, to enable the petitioners approach

the said Committee, as the case may be.

....

17. It is needless to state that the respondents shall follow the guidelines formulated in the order dated 18.09.2017 passed by the Hon'ble Apex Court in W.P.No.1141 of 1987 together with the order dated 12.10.2017 passed by this Court in W.P.No.26134 of 2017 for grant of regularisation to the petitioners. Those who are interested in availing a shop by approaching the Vending/Hawking Committee, must produce a copy of their Aadhar Card, failing which, no indulgence need be shown to them. This will prevent duplication of shops in the name of the same person."

6. Hence, the present Writ Petition is disposed of in terms of the above directions issued in the said Writ Petitions, as extracted supra. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

CS
To

1. The Commissioner,
Chennai Corporation,
Rippon Building,
Greater Chennai, Chennai-3.
2. The Deputy Commissioner,
South Regional Zone,
Greater Chennai, Chennai.
3. The Zonal Officer,
Chennai Corporation, Zone-13,
Adyar, Chennai.

KAN(CO)
sm:15.2.2018

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