

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :23.05.2018

CORAM

THE HONOURABLE Mrs. JUSTICE V.BHAVANI SUBBAROYAN

W.P.Nos.12809 to 12811 of 2018 and
W.M.P.Nos.15038 to 15040 of 2018

G.Vadivelan ... Petitioner in WP.No.12809 of 2018
R.Magesh ... Petitioner in WP.No.12810 of 2018
Mohammed Rubil ... Petitioner in WP.No.12811 of 2018

Vs.

- 1.The Commissioner
Corporation of Chennai,
Rippon Builidngs, Chennai - 600 003.
- 2.The Chairperson/
Zonal Executive Engineer (Zone IX)
(The Township Vending Committee)
Corporation of Chennai,
Nungambakkam,
Chennai 600 034. ... Respondents in all WPs

Prayer in WP.12809/2018: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to consider and pass orders on the petitioners representation dated 8.5.2018 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 petitioners bunk shop at Cathedral Garden Road, Opposite to DBS, Chennai 600 034, wherein selling tea, coffee, snacks and other food items therein.

Prayer in WP.12810/2018: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to consider and pass orders on the petitioners representation dated 14.5.2018 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 petitioners bunk shop at opposite to crown computer & stationary and A.L. Haj Furniture, opposite to Tirumala Complex (Door No.239/132) Near Erlish Lab Bus stop, Royapettah High Road,

Chennai 600 014, wherein selling stationary items, gold covering items, cell phone accessories and xerox machine operation.

Prayer in WP.12811/2018: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to consider and pass orders on the petitioners representation dated 15.5.2018 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 petitioners bunk shop near HDFC Bank, opposite to Hotel Ganpet, near Door No.40/88) Nugambakkam High Road, Chennai 600 034, wherein selling tea, coffee, snacks and food items therein.

For Petitioners : Mr.R.Kamaraj

For Respondents : Mr.T.C.Gopalakrishnan

COMMON ORDER

The writ petitions have been filed seeking directions on the respondents to consider and pass orders on the representations of the petitioners dated 08.05.2018, 14.05.2018 and 15.05.2018 respectively in accordance with the provisions of the Street Vendors (Protection of Livelihood Regulation) Act, 2014 and to grant permission/certificate of vending to the petitioners. An interim order has been sought restraining the respondents from interfering with the business of the petitioners till such time as the representation has been considered and disposed of.

2.Heard the learned counsel for the petitioner and Mr.T.C.Gopalakrishnan, learned standing counsel takes notice for the respondents.

3.The learned counsel appearing for the petitioner submits that even though the petitioners have approached the Vending Committee, no decision has yet been taken.

4.The learned counsel for the petitioners has referred the order of this Court dated 25.04.2017 in W.P.No.10166 of 2017, wherein the First Bench of this Court directs the Vending Committee to take a decision on the representation of the petitioner in accordance with law and in particular the provisions of the Street Vendors (Protection of Livelihood Regulation) Act, 2014 and the Rules framed thereunder within eight weeks from the communication of the order.

5.In similar circumstances, this Court, by an order dated 12.02.2018, in W.P.Nos.2973 to 2975 and 3017 of 2018, has passed the following order:

"5.In view of the submissions made by the learned counsel on either side, this Court directs, the Vending Committee constituted vide G.O.(4D) No.5, Municipal Administration and Water Supply (MCT) Department, dated 05.10.2016, to consider the petitioners' representations dated 22.12.2017, 01.02.2018, 28.12.2017 and 01.02.2018 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."

6.It is to be noted that the petitioners have not obtained any license from any authority to run their bunk shops. The prayer of the petitioners to consider the representations has to be looked into only by the concerned authorities and this Court cannot pass a blanket order to direct the respondents to consider the representations of the petitioners. Moreover, a mere apprehension will not give any liberty for them to file these writ petitions. If they are really disturbed by the authorities, then, they are at liberty to approach this Court.

7.In view of the above, these writ petitions are dismissed, granting liberty to the petitioners to approach the concerned authorities for redressal of their grievances. No costs. Consequently, connected Miscellaneous Petitions are also dismissed.

Sd/-

Vacation Officer

//True copy//

Sub Assistant Registrar

Sgl

To

1.The Commissioner
Corporation of Chennai,
Rippon Builidngs,
Chennai - 600 003.

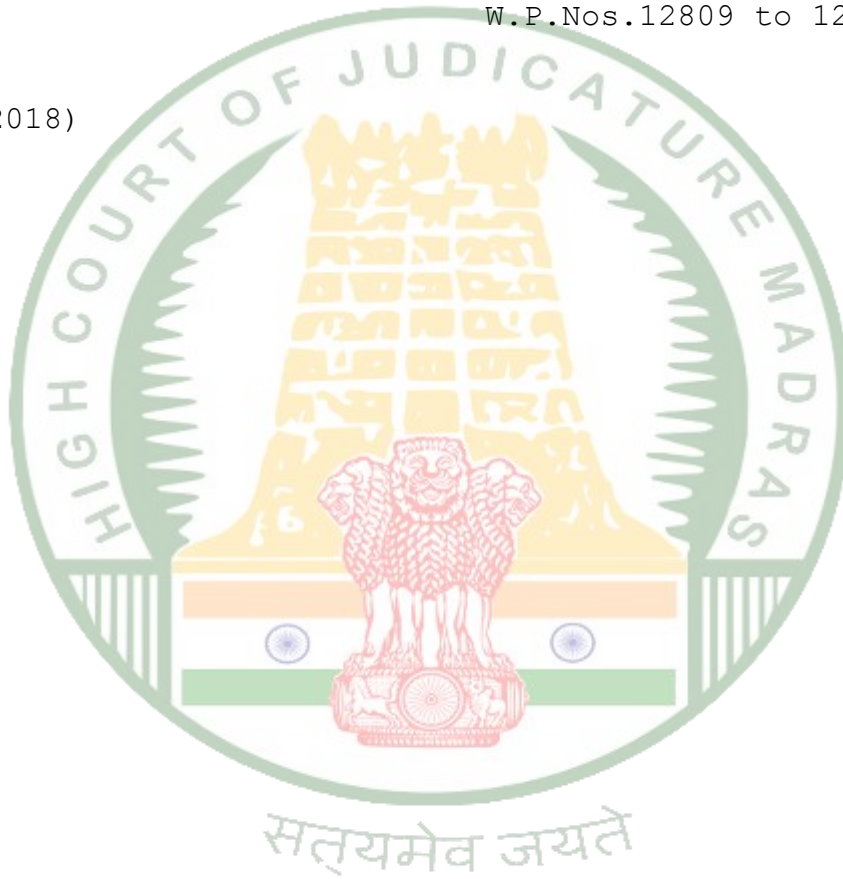
2.The Chairperson/
Zonal Executive Engineer (Zone IX)
Corporation of Chennai,
Nungambakkam,
Chennai 600 034.

+3cc's to Mr.R.Kamaraj, Advocate SR.No.34060, 34061, 34062

+3cc's to Mr.T.C.Gopalakrishnan, Advocate SR.No.33975 to 33977

W.P.Nos.12809 to 12811 of 2018

AK(CO)
GN(30/05/2018)



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