

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 12.02.2018
CORAM
THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.Nos.2973 to 2975 and 3017 of 2018

Devi ...Petitioner
...in W.P.No.2973 of 2018

Mary ...in W.P.No.2974 of 2018

Justin ...in W.P.No.2975 of 2018
Chinni ...in W.P.No.3017 of 2018

Versus

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

in all W.Ps.

2.The Chairperson/
Zonal Executive Engineer Zone No.5.
(The Township Vending Committee)
Corporation of Chennai,
Chennai 600 021.
... 2nd Respondent
...in W.P.No.2973 of 2018

2.The Chairperson/
Zonal Executive Engineer Zone No.9.
(The Township Vending Committee)
Corporation of Chennai,
Chennai 600 034. ... 2nd Respondent
...in W.P.No.2974,2975 of 2018

2.The Chairperson/
Zonal Executive Engineer Zone No.8.
(The Township Vending Committee)
Corporation of Chennai,
Chennai 600 030. ... 2nd Respondent
...in W.P.No.3017 of 2018

W.P.No.2973 of 2018: Writ Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the respondents to consider and pass orders on the petitioner's representation dated 22.12.2017 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 new Maternity Hospital Gate,

Pantheon Road, Egmore, Chennai 600 008, wherein selling tea, coffee and food items.

W.P.No.2974 of 2018: Writ Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the respondents to consider and pass orders on the petitioner's representation dated 01.02.2018 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 petitioner's bunk shop at Cathedral Garden Road, Near Parsen Apartment Compound, Nungambakkam, Chennai-600 034, for the past six months, wherein selling tea, coffee and food items in a hygienic manner by using LPG stove.

W.P.No.2975 of 2018: Writ Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the respondents to consider and pass orders on the petitioner's representation dated 28.12.2017 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.770/170, Deva Towers, Binny Road, Near Canara Bank Gate, Anna Salai, Chennai 600 002, wherein selling tea, Coffee and food items in a hygienic manner by using LPG Store

W.P.No.3017 of 2018: Writ Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the respondents to consider and pass orders on the petitioner's representation dated 01.02.2018 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 petitioner's bunk shop at New Avadi Road, Opposite to Ayanavaram Tasildar Office, near Water Tank Compound, Kilpauk, Chennai 600 010, wherein selling tea, Coffee and food items by using LPG stove.

In all W.Ps.

For Petitioners : Mr.L.Chandrakumar

For Respondents : Mr. T.C.Gopalakirshnan
Standing Counsel (Corporation)

COMMON ORDER

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

2. These writ petitions are filed praying for issuance of direction to the respondents to consider and pass orders on the petitioners representation dated 22.12.2017, 01.02.2018, 28.12.2017 and 01.02.2018 respectively, 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 them with the running of the bunk shop at their respective addresses, wherein they are selling tea, coffee and other food items.

3. The learned counsel appearing for the petitioners submitted that in similar circumstances, the Division Bench of this court, by an 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."

4. 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.

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 (MCI) 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. With the above observations, these Writ Petitions are disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Commissioner,
Corporation of Chennai,
Ribbon Buildings,
Chennai 600 003.
- 2.The Chairperson/
Zonal Executive Engineer Zone No.5.
(The Township Vending Committee)
Corporation of Chennai,
Chennai 600 021.
- 3.The Chairperson/
Zonal Executive Engineer Zone No.9.
(The Township Vending Committee)
Corporation of Chennai,
Chennai 600 034.
- 4.The Chairperson/
Zonal Executive Engineer Zone No.8.
(The Township Vending Committee)
Corporation of Chennai,
Chennai 600 030.

+4 ccs to Mr.R.Kamaraj Advocate sr 10602 & 10605
+1 cc to Mr.T.C.Gopalakrishnan Advocate sr10490

W.P.Nos.2973 to 2975 and 3017 of 2018

aa06/03/2018