

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 15.03.2018
CORAM
THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
W.P No.21121 of 2016
and
W.M.P.Nos.18059 & 18060 of 2016

Jeyamuthu

..Petitioner
Vs

- 1.The Corporation of Chennai,
Represented by The Commissioner,
Rippon Building, Chennai - 600 003.
- 2.The Assistant Commissioner,
Zone-9, Corporation of Chennai,
No.1, Lake Area, 4th Street,
Nungambakkam, Chennai - 600 034.
- 3.Assistant Executive Engineer,
Zone - 9, Valluvarkottam Main Road,
Nungambakkam, Chennai - 600 034. .. Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus, to call for the relevant records relating to the impugned order of the 2nd respondent in Ma.Aa.9.Na.Ka.Nn.L.C1/4920/2016, dated 06.06.2016 and quash the same as arbitrary, illegal and unwarranted and thereby directing the respondents not to evit the petitioner's snacks Bunk (Kiosk) shop situated at First Avenue 1st Lane, Nungambakkam, Chennai - 600 034.

For Petitioner : Mr.K.S.Narayanan

For Respondents : Mr.V.C.Selvasekaran
Standing Counsel

O R D E R

This writ petition has been filed challenging the order of the second respondent in Ma.Aa.9.Na.Ka.Nn.L.C1/4920/2016, dated 06.06.2016.

2. Heard Mr.K.S.Narayanan, learned counsel for the petitioner and Mr.V.C.Selvasekaran, learned Standing counsel appearing for the respondents and perused the materials available on record.

3. The case of the petitioner is that he is a physically challenged unemployed youth. The petitioner has installed a Snack Kiosk (bar) in the year 1984, at Peters Road and Coransmith Road Platform. It is stated that in the year 1990, an attempt was made by the respondents to evict the petitioner's bunk shop. Hence, he approached the Hon'ble Supreme Court, by filing a writ petition in W.P.No.392 of 1990. The respondent Corporation has given an undertaking before the Supreme Court, with regard to the alternative site, instead of complying the undertaking, the impugned order has been issued.

4. The learned Standing counsel appearing for the respondents submitted that taking advantage of the order of the Hon'ble Supreme Court, the petitioner has further encroached the Platform and he is running a hotel in an unhygienic manner. He has further submitted that as per the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, the petitioner has to approach the Vending Committee, for seeking licence.

5. In the light 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 such 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 three months. In the meanwhile, if, there is any violation of law, the respondents have liberty to take action against the petitioner.

6. With the above observation and directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

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

2.The Assistant Commissioner,
Zone-9, Corporation of Chennai,
No.1, Lake Area, 4th Street,
Nungambakkam,
Chennai - 600 034.

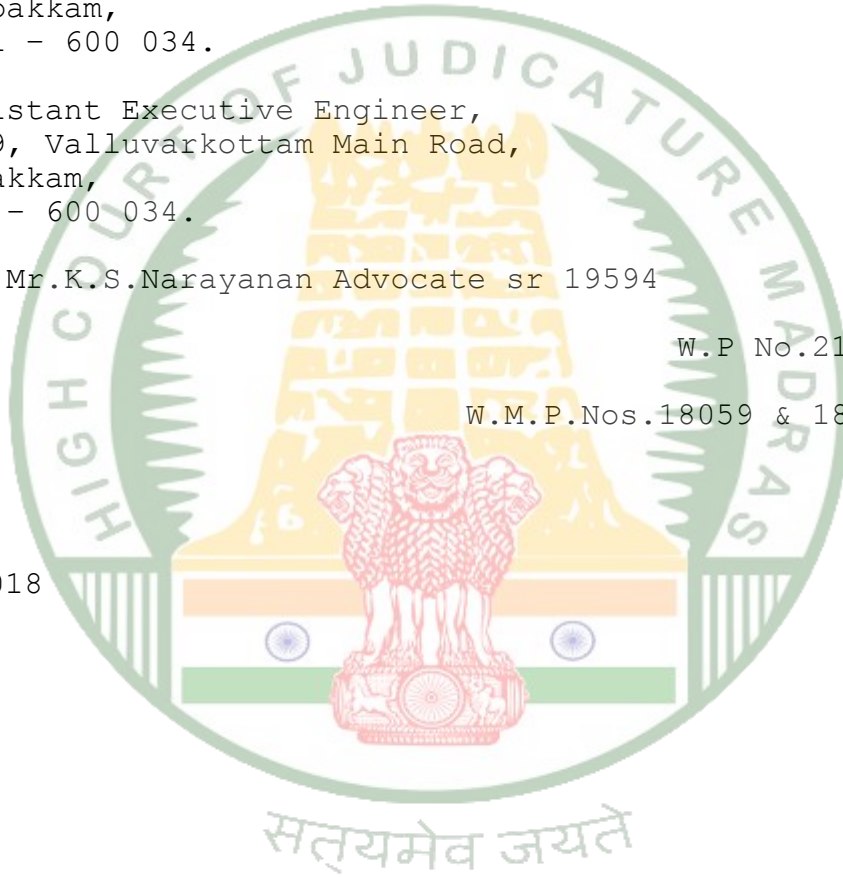
3.The Assistant Executive Engineer,
Zone - 9, Valluvarkottam Main Road,
Nungambakkam,
Chennai - 600 034.

+2 ccs to Mr.K.S.Narayanan Advocate sr 19594

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