

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :: 08.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P. Nos.24675 to 24677 of 2018

G.Kanchana ... petitioner in W.P.No.24675 of 2018

S.Ganesan ... petitioner in W.P.No.24676 of 2018

G.Gopi ... petitioner in W.P.No.24677 of 2018

versus

1.The Secretary to Government,
Local Administration Department,
Government of Tamil Nadu,
Fort St.George, Chennai 600 009.1st Respondent in all WPs

2.The Commissioner,
Avadi Municipality,
Avadi, Tiruvallur District 2nd Respondents in WP.24675
& 24676/18

3.The Commissioner
Tambaram Municipality,
Tambaram,
Chennai 600 0452nd Respondent in WA.24677/18

Prayer in WP.No.24675/18:Writ Petitions filed under Art.226 of the Constitution of India praying for a Writ of Mandamus directing the respondents to consider and pass orders on the petitioners representation dt 18.7.2018 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 Opposite to Sathya Home Appliances Near Ponnu Super Market N.M. Road Avadi Chennai 54 wherein selling tea coffee snacks and food items.

Prayer in WP.24676/2018:To issue a writ of mandamus or any other appropriate writ or order or direction in the nature of writ, directing the respondents to consider and pass orders on the petitioners representation dt 18.7.2018 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 Opposite to Abirami Silks near Avadi Police Station Nehru Bazar Corner Avadi Chennai 54 wherein selling tea coffee snacks and food items.

Prayer in WP.No.24677/2018:To issue a writ of mandamus or any other appropriate writ or order or direction in the nature of writ, directing the respondents to consider and pass orders on the petitioners representation dt 18.7.2018 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 Opposite to Door NO. 142 Jayam Departmental Store Velachery Main Road East Tambaram Chennai 600 045 wherein selling tea coffee snacks and food items.

For petitioner : Mr.L.Chandrakumar

For 1st Respondent : Mr.J.Pothiraj, Spl.G.P.

For 2nd Respondent : Mr.P.Srinivas

COMMON ORDER
(made by K.K.SASIDHARAN, J.)

The petitioners have come up with these Writ Petitions contending that they are running a bunk shop within the jurisdiction of Avadi Municipality.

2. The petitioners have given the details of the bunk shop. The petitioners seek an order to direct the second respondent to consider their representation under the provisions of the Street Vendors (Protection of Livelihood Regulation) Act, 2014 and permit them to run the bunk shop.

3. The second respondent filed a counter affidavit disputing the statement made in the affidavit filed in support of the Writ Petitions. According to the second respondent, there are no such bunk shops, as claimed by the petitioner in the respective Writ Petitions.

4. The claim made by the petitioners are now disputed by Avadi Municipality. There are no documents produced before us to substantiate the contention regarding the existence of bunk shops within the jurisdiction of the Avadi Municipality.

5. We give liberty to the writ petitioners to file appropriate application before the Vending Committee, constituted by the Avadi Municipality along with documents, to substantiate their contention. The Vending Committee shall consider the individual applications on merits and appropriate orders shall be passed. We make it clear that the direction to the Vending Committee to consider the application should not be construed to be an expression of opinion on the merits of the matter. It is for the Vending Committee to decide the matter purely on merits and as per law.

6. The Writ Petitions are disposed of with the above direction. No costs.

Sd/--

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1.The Secretary to Government,
Local Administration Department,
Government of Tamil Nadu,
Fort St.George, Chennai 600 009.

2.The Commissioner,
Avadi Municipality,
Avadi, Tiruvallur District

3.The Commissioner
Tambaram Municipality,
Tambaram,
Chennai 600 045

+3cc to Mr.R.Kamaraj, Advocate SR.NO.69790

+1cc to Mr.P.Srinivas, Advocate SR.NO.69549

CP(CO)
sm:2.11.2018

W.P. Nos.24675
to 24677 of 2018

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