

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

WP.No.15457 of 2018
and W.M.P.No.18342 of 2018

T.Balaji

...Petitioner

Vs.

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

2. The Zonal Executive Engineer, Zone IX,
(Chairman, Township Vending Committee),
Corporation of Chennai, Nungambakkam,
Chennai - 600 034.

...Respondents

PRAYER:

Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the respondents to consider and pass orders on the petitioner's representation dated 26.05.2018 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 South Kalvaikarai Road, near Corporation Ground, opposite to Tholkappiya Park, Mandaveli, Chennai 600 028, wherein selling tea, coffee, snacks and other food items.

For Petitioner : M/s.L.Chandrakumar
For Respondents : Mr.T.C.Gopalakrishnan

ORDER

Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.

2. The petitioner has come up with this petition for issuance of a Writ of Mandamus to direct the respondents to consider and pass orders on his representation dated 26.05.2018 and till such time not to disturb with the running of his bunk shop at South Kalvaikarai Road, near Corporation Ground, opposite to Tholkappiya Park, Mandaveli, Chennai 600 028.

3. The case of the petitioner is that he is a differently abled person, running a bunk shop in the said place for his livelihood. The officials of the respondents are trying to interfere with the running of the petitioner's business. Hence, he gave representation to the respondents, dated 26.05.2018. Since the representation is not yet considered, the present writ petition.

4. Mr.N.Arivalagan, Assistant Engineer, Corporation of Chennai is present. The learned Standing Counsel for the respondents on instructions submitted that the petitioner has encroached the street and put up a shop only a week ago, despite objection from the officials. Hence he is not entitled for any interim order.

5. In the light of the above facts and submissions of the learned Standing Counsel for the respondents, this Court, without going into the merits of the case, directs the respondents to consider the representation of the petitioner dated 26.05.2018 and pass orders on merits and in accordance with law, after providing an opportunity of hearing to the petitioner, within a period of twelve weeks from the date of receipt of copy of this order.

6. With the above direction, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

pvs

To

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

2. The Zonal Executive Engineer, Zone IX,
(Chairman, Township Vending Committee),
Corporation of Chennai, Nungambakkam,
Chennai - 600 034.

+1cc to Mr.T.C.Gopalakrishnan, Advocate, S.R.No.40783

+1cc to Mr.R.Kamaraj, Advocate, S.R.No.40807

WP.No.15457 of 2018

mr(co)

cs/13/07/18