

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2018

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.Nos.1803,1804 and 1807 of 2018

E.Loganathan ...Petitioner
...in W.P.No.1803 of 2018
R.Kumar ...in W.P.No.1804 of 2018
Mohammed Ali ...in W.P.No.1807 of 2018

Versus

1.The Commissioner,
Corporation of Chennai,
Ribbon Buildings,
Chennai 600 003. ...First Respondent in
all WPs

2.The Chairperson/
Zonal Executive Engineer Zone No.9.
(The Township Vending Committee)
Corporation of Chennai,
Chennai 600 034.
...2nd Respondent
in W.Ps 1803 & 1807/18

3.The Chairperson/Zonal Executive Engineer,
Zone -8
(The Township Vending Committee,
Corporation of Chennai
Chennai- 600 031 ...2nd Respondent in
WP.No.1804 of 2018

W.P.No.1803 of 2018: The Writ Petition is 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 21.12.2017 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 Opposite to Loyala College, No.111/2, Sterling Road, Nungambakkam, Chennai 600 034, wherein selling tea, coffee and food items by using L.P.G. Cylinder.

W.P.No.1804 of 2018: The Writ Petition is 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 21.12.2017 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 City Babu Street, Opposite to Classic Apartment, Chetpet, Chennai 600 031, wherein selling tea, coffee and food items by using L.P.G. Cylinder.

W.P.No.1807 of 2018: The Writ Petition is 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 near Kothari Buildings, Opposite to Petrol Bunk, No.117, Nungambakkam High Road, Chennai 600 034, wherein running puncture shop.

In both W.Ps.

For Petitioners : Mr.L.Chandrakumar
for Mr.E.Naveen

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

COMMON ORDER

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

2. Writ Petition No.1803 of 2018 is filed praying to issue a Writ of Mandamus to direct the respondents to consider and pass orders on the petitioner's representation dated 21.12.2017 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 Opposite to Loyala College, No.11/2, Sterling Road, Nungambakkam, Chennai-600 034, wherein selling tea, coffee and food items by using L.P.G.Cylinder.

3. Writ Petition No.1804 of 2018 is filed praying to issue a Writ of Mandamus to direct the respondents to consider and pass orders on the petitioner's representation dated 21.12.2017

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 City Babu Street, Opposite to Classic Apartment, Chetpet, Chennai 600 031, wherein selling tea, coffee and food items by using L.P.G. Cylinder.

4. Writ Petition No.1807 of 2018 is filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct 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 near Kothari Buildings, Opposite to Petrol Bunk, No.117, Nungambakkam High Road, Chennai 600 034, wherein running puncture shop.

4. 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."

5. 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.

6. In view of the submissions made by the learned counsel on either side, I 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 petitioners' representations dated 21.12.2017 and 28.12.2017 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.

7. 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.9.
(The Township Vending Committee)
Corporation of Chennai,
Chennai 600 034.

3.3.The Chairperson/Zonal Executive Engineer,
Zone -8
(The Township Vending Committee,
Corporation of Chennai
Chennai- 600 031

+3 ccs to Mr.E.Naveen Advocate sr 10606 to 10608
+1 cc to Mr.T.C.Gopalakrishnan Advocate sr 10491

W.P.Nos.1803,1804 and 1807 of 2018

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