

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2018

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.1858 of 2018

G.Nathiya

...Petitioner

Versus

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

2. The Chairperson/Zonal Executive Engineer Zone,
Zone No.7,
No.536, Chennai Tiruvallur Highway Road,
Ambattur, Opposite Dunlop Company
Chennai - 600 053.

... Respondents

Prayer:

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 26.12.2017 by running of the Petitioner's bunk shop at Mogappair Eri Scheme, Mogappair East near S.B.I.O.A School, wherein selling tea, coffee and food items.

For Petitioner : Mr.L.Chandra Kumar
for J.Vinotha

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

O R D E R

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

2. This writ petition is filed praying to issue a Writ of Mandamus, to direct the Respondents to consider and pass orders on the Petitioner's representation dated 26.12.2017 for running the Petitioner's bunk shop at Mogappair Eri Scheme, Mogappair East near S.B.I.O.A School, wherein selling tea, coffee and food items.

3. The learned counsel appearing for the petitioner submitted that in similar circumstances, the Division Bench of this court, by 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. Learned counsel for Corporation, appearing for the respondents submitted that the petitioner is not running the business as on date and her application would be considered in the manner known to law.

5. 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 26.12.2017 and pass appropriate orders, in accordance with law, within three months from the date of receipt of copy of this order and till such time, no coercive action shall be taken against the petitioners. All the grounds urged in this writ petition can be raised before the Committee.

6. With the above observations, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

rm

To

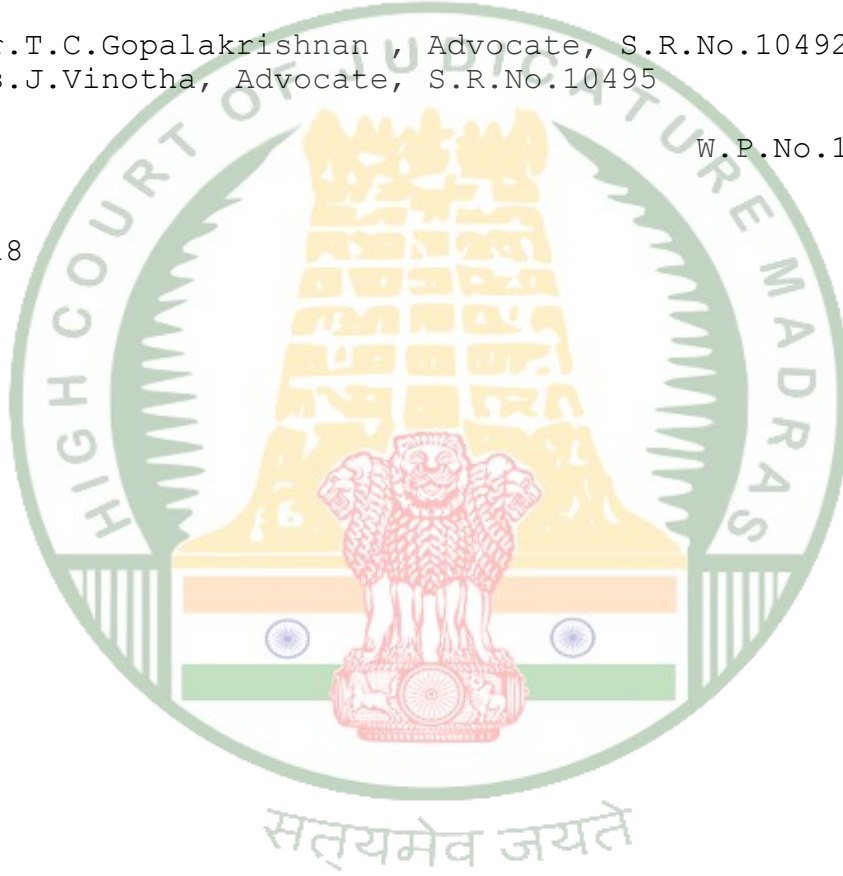
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+1cc to Mr.T.C.Gopalakrishnan , Advocate, S.R.No.10492

+1cc to Ms.J.Vinotha, Advocate, S.R.No.10495

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CS/16/03/18



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