

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.04.2018

Coram: The Honourable Mr. Justice K. KALYANASUNDARAM

W.P.Nos.26474 & 26475 of 2010  
and  
W.P.M.P.Nos.1 & 2 in  
W.P.Nos.26474 & 26475 of 2010

K.Ravi

...Petitioner in W.P.No.26474 of 2010

M.Saravanakumar

...Petitioner in W.P.No.26475 of 2010

Versus

- 1.The Special Commissioner for Handicapped,  
Officer of the State Commissioner for Disabled,  
No.15/1, Model School Road,  
Thousand Lights,  
Chennai - 600 006.
- 2.The Commissioner,  
Chennai Corporation,  
Rippon Buildings,  
Chennai - 600 003.
3. The District Revenue Officer,  
Land and Estate Department,  
Chennai Corporation,  
Chennai - 3.
4. The Assistant Engineer,  
Zone - VIII,  
Corporation of Chennai,  
No.117, N.S.K.Salai,  
Kodambakkam,  
Chennai - 600 024.

...Respondents in both the W.Ps

Prayer in W.P.No.26474 of 2010:

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the Letter made in Z.O.VIII.C.No.6235/2010, dated Nil/09/2010 and served on 10.11.2010 in person and issued by the Commissioner, Corporation of Chennai, Chennai - 600 001, the second respondent herein and quash the same and consequently it is prayed that this Hon'ble Court may be pleased to issue appropriate directions directing

the respondents herein to allot an alternative site near the petitioner's present shop at No.59, Venkatanarayanan Raod, Opposite to No.6, J.Y.M.Kalyana Mandapam, T.Nagar, Chennai - 17 considering that the petitioner is a physically handicapped person.

Prayer in W.P.No.26475 of 2010:

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the Letter made in Z.O.VIII.C.No.6235/2010, dated Nil/09/2010 and served on 10.11.2010 in person and issued by the Commissioner, Corporation of Chennai, Chennai - 600 001, the second respondent herein and quash the same and consequently it is prayed that this Hon'ble Court may be pleased to issue appropriate directions directing the respondents herein to allot an alternative site near the petitioner's present shop at No.24, Venkatanarayanan Raod, Near Natesan Park and Kannadasan Road Junction, T.Nagar, Chennai - 17 considering that the petitioner is a physically handicapped person.

For Petitioner  
in both the W.Ps : Mr.N.Damodaran

For Respondent - 1  
in both the W.Ps : Mr.V.Shanmugasundar,  
Special Govt. Pleader

Respondents - 2 to 4  
in both the W.Ps : Mr.V.C.Selvasekaran,  
Standing Counsel

C O M M O N O R D E R

1. Heard Mr.N.Damodaran, the learned counsel appearing for the petitioners and Mr.V.Shanmugasundar, the learned Special Government Pleader appearing for the first respondent and Mr.V.C.Selvasekaran, the learned Standing Counsel appearing for the respondents 2 to 4.

2. In these Writ Petitions, the petitioners challenge the order of rejection of their request to run the shops in No.59, Venkatanarayanan Road, Opposite to No.6, J.Y.M.Kalyana Mandapam, T.Nagar, Chennai - 17 and No.24, Venkatanarayanan Road, Near Natesan Park and Kannadasan Road Junction, T.Nagar, Chennai - 17 in Corporation Commercial Complex respectively.

3. The case of the petitioners is that they are physcially challenged persons and they are running a small bunk shops. They had been making representations to the second respondent

requesting him not to evict them from the bunk shops and issue license in their favour. Since no reply was forthcoming, they were forced to move this Court by filing the Writ Petitions in W.P.Nos.2667 & 2668 of 2009 for issuance of Writ of Mandamus forbearing the respondents from evicting them from their bunk shops and to direct the second respondent herein to grant license to their bunk shops.

4. This Court vide its order dated 11.02.2009, disposed of the aforesaid Writ Petitions with a direction to the second respondent to consider the representations of the petitioners and to pass orders on the same in accordance with law, after following the procedure as contemplated under the relevant Rules and after affording reasonable opportunity to all the parties concerned within a period of twelve weeks from the date of receipt of a copy of the order, and till then, the respondents were restrained from evicting the petitioners' from bunk shops. Subsequently, the respondents issued a Notice under Section 222 of the Chennai City Municipal Corporation Act IV of 1919 which was challenged by the petitioners in Writ Petitions bearing Nos.10454 & 10455 of 2009 .

5. According to the petitioners, those Writ Petitions were disposed of by this Court dated 02.09.2009, with a direction to the second respondent to consider the allotment of shops nearest to the present bunk shops. However, the respondents have allotted shops in Egmore High Road, Chennai. Since the petitioners are handicapped, they gave another representation requesting the respondents to allot shops near their residence at T.Nagar. However, vide impugned order, the second respondent rejected the representations of the petitioners.

6. The learned counsel for the petitioners submitted that admittedly, both the petitioners are running bunk shops in Venkatanarayanan Road, T.Nagar and as per the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 the petitioners are entitled to get a license from the respondent.

7. The learned standing counsel for the respondents 2 to 4 submitted that earlier the respondent received representations from the writ petitioners seeking allotment of shops at Pondy Bazaar Corporation Commercial Complex. Since the petitioners were not eligible, their request was rejected and if the petitioners give separate applications to the Vending Committee, they would be considered in accordance with law.

8. In the light of the above submissions, this Court, without going into the merits of the case, directs the petitioners to give appropriate applications to the Vending

Committee within a period of two weeks from the date of receipt of a copy of this order. On such compliance, the Vending Committee shall consider them and pass orders on merits and in accordance with law, after providing an opportunity of personal hearing to the petitioners, within a period of eight weeks therefrom. Till such time, the respondents shall not take coercive steps against the petitioners. In the event of non compliance, the respondents shall evict them without further reference to the Court.

9. With the above direction, these Writ Petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

-s/d-  
Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

mrr  
To

1.The Special Commissioner for Handicapped,  
Officer of the State Commissioner for Disabled,  
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2.The Commissioner,  
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3. The District Revenue Officer,  
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4. The Assistant Engineer,  
Zone - VIII,  
Corporation of Chennai,  
No.117, N.S.K.Salai,  
Kodambakkam,  
Chennai - 600 024.

+2 cc to Mr.N.Damodaran Advocate sr 30394,30395  
W.P.Nos.26474 & 26475 of 2010

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