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D.BAVANI ... PETITIONER in WP No.13945 of 2014
ACCESS HEALTH CARE ENRANCE 9 1ST MAIN ROAD
INDUSTRIAL ESTATE AMBATTUR CHENNAI-58.

S.KANCHANA ... PETITIONER in WP No.13946 of 2014
NEAR ASKANDAIS GATE-I CHENNAI CORPORATION
PARK C.S.I.R. SALAI THIRUVANMIYUR CHENNAI-
41

T.BALAJI ... PETITIONER in WP No.13947 of 2014
NEAR BANK OF INDIA TRUSTPURAM PULLIYUR
MAIN ROAD KODAMBAKKAM CHENNAI-24

B.GIRIJA ... PETITIONER in WP No.13948 of 2014
32-A IT PARK FIRST GATE AMBATTUR CHENNAI

MASTHAN ... PETITIONER in WP No.13949 of 2014
AMPIT BUILDING 2ND OUT GATE AMPIT PARK
SALAI AMBATTUR CHENNAI-58

S.MARIAPPAN ... PETITIONER in WP No.14009 of 2014
S/O.SOLAIAPPAN NO.256 K.V.B.GARDEN R.A.
PURAM CHENNAI 600 028.

P.VIJAYAKUMAR ... PETITIONER in WP No.14017 of 2014
S/O.PONNAN NEAR CHENNAI METRO WATER PUMPING
STATION ROADM CHINDADRI PET CHENNAI-2

S.RAVIKUMAR ... PETITIONER in WP No.20437 of 2014
S/O.SEKAR NO.69 SOWRASTRA NAGAR 10TH
STREET CHOLAIMEDU CHENNAI-600094



R.RAMU ... PETITIONER in WP No.23353 of 2014
60 KUMARAPA LANE NEAR PARSON HARMONY
COMPOUND NAGESWARA ROAD NUNGAMBAKKAM
CHENNAI-34.

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MUKUNTHAN ... PETITIONER in WP No.23354 of 2014
OLD NO.7 NEW NO.3 KUSHKUMAR ROAD NEAR
BSNL OFFICE NUNGAMBAKKAM CHENNAI-34.

K.MOHAIDEEN SAHUL HAMMED ... PETITIONER in WP No.23355 of 2014
STERLING ROAD BACKSIDE INDIAN OVERSEAS BANK
APARTMENT OPPOSITE LOYOLA COLLEGE
NUNGAMBAKKAM CHENNAI-34.

MANIKANDAN ... PETITIONER in WP No.24609 of 2014
S/O.PONNUSAMY 10A VALLALAR STREET
THIRUMOLAR STREET WEST ANNA NAGAR CHENNAI-
40.

M.KRISHNAN ... PETITIONER in WP No.24610 of 2014
S/O.M.SUBBAIAH 190 PERIYA STREET CHEPAUK
TRIPLICANE CHENNAI-5.

SARAVANAN ... PETITIONER in WP No.24611 of 2014
S/O.E.SUSILA NO.858 18TH BLOCK
KESAVAPILLAI PARK CHENNAI-12.

K.VISHVANATHAN ... PETITIONER in WP No.29455 of 2014
S/O.KUPPUSAMY ICICI BANK (OPP) NO.24A C2
3RD CROSS STREET AMBATTUR ESTATE CHENNAI-58

KAANJANA ... PETITIONER in WP No.29456 of 2014
D/O.VELU TONCY PROJECT SELL (NEAR) C-8
(OPP) ATC ROAD AMBATTUR ESTATE CHENNAI-58



C.PRABAKARAN ... PETITIONER in WP No.29457 of 2014
S/O.UNNAMALAI NO.C-15 (OPP) 2ND MAIN ROAD
AMBATTUR ESTATE CHENNAI-58

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C.VINOD KUMAR ... PETITIONER in WP No.29458 of 2014
S/O.CHELLAPATHI OPP. BOGMA AUTO BOGMA AUTO
MOBILE SERVICE NEAR EMPLOYEE QUARTERS
ENTRANCE 1ST MAIN ROAD AMBATTUR CHENNAI-58

E.DEVARAJ ... PETITIONER in WP No.29459 of 2014
S/O.ELUMALAI BACK GATE INDIA LAND I.T.
COMPANY 3RD CROSS STREET ICICI BANK BACK
SIDE CHENNAI-58

A.SUBRAMANIYAN ... PETITIONER in WP No.29471 of 2014
S/O.IYYAMPERUMAL S-28/28 P.1 & P.2 STATE
BANK OP 2ND MAIN ROAD AMBATTUR ESTATE
CHENNAI-58

G.SUBRAMANI ... PETITIONER in WP No.29472 of 2014
S/O.GANGAN ESAP INDIA PRIVATE LTD. NO.13
3RD MAIN STREET AMBATTUR ESTATE CHENNAI-58

M.VELANKANNI ... PETITIONER in WP No.29473 of 2014
D/O.MURUGESAN NEAR INDIAN BANK (OPP) AIMA
TOWER 1ST MAIN ROAD AMBATTUR ESTATE
CHENNAI-58

P.SRIDHAR ... PETITIONER in WP No.29474 of 2014
S/O.PALANI RAO 3RD CROSS STREET OPP. ICICI
BANK TI GATE ENTRANCE NEAR AMBATTUR ESTATE
CHENNAI-58

A.ARULAMMA ... PETITIONER in WP No.29475 of 2014
D/O.ADAIKALAM P110 (SP) F19 LAWRENCE
EDUTECH PRIVATE LIMITED (NEAR) 5TH STREET
AMBATTUR ESTATE CHENNAI-58



..Vs..

1. The Special Commissioner for Handicapped,
Office of the State Commissioner of Disabled,
No.15/1, Model School Road,
Thousand Light,
Chennai-600 006. ...R1 in WP.Nos.16054/2013, 24609/14,
24610/14, 24611/14
2. The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai-600 003. ...R2 in all WPs Except 14017/14 &
13928/14 and 31211/13
...R1 in WP.No.13928 and 14017/14 and
...R3 in WP.No.31211/13
- 3 THE SECRETARY TO GOVERNMENT
DEPARTMENT OF WELFARE OF DIFFERENTLY ABLED
PERSONS SECRETARIAT FORT ST. GEORGE
CHENNAI 9 ...Respondent No.1 in WP.NO.31211 of 2013
- 4 THE PRINCIPAL SECRETARY/
STATE COMMISSIONER FOR THE DIFFERENTLY ABLED
STATE RESOURCE CUM TRAINING CENTRE CAMPUS
JAWAHARLAL NEHRU INNER RING ROAD K.K.NAGAR
CHENNAI 78 ...R1 20437/14, 23353 to 23355/14,
29455 to 29459/14, 29471 to 29475/14
- 5 THE COMMISSIONER
O/O.THE STATE COMMISSIONER FOR THE DISABLED
MYLAPORE, CHENNAI -4 ...R2 in WP.NO.13928/14
- 6 THE STATE COMMISSIONER
FOR DIFFERENTLY ABLED O/O. THE STATE
COMMISSIONER FOR DIFFERENTLY ABLED NO.15/1
MODEL SCHOOL ROAD THOUSAND LIGHTS
CHENNAI- 6. ...R1 in WP.No.13937 of 2014 to
13939/14, 13945/14 to 13949/14
- 7 THE SPECIAL COMMISSIONER
FOR HANDICAPPED, K.K.NAGAR,
CHENNAI-78 ...R2 in WP.14017/14
- 8 THE COMMISSIONER OF POLICE
GREATER CHENNAI, VEPERY,
CHENNAI 600 007 ...WP.No.20437/14
...R3 in WP.No.24609 to 24611/14



9 THE ADMINISTRATIVE DIRECTOR
SIDCO SMALL FACTORY INDUSTRIAL
AMBATTUR ESTATE, CHENNAI-58 ...IN WP.Nos.29455 to 29459/14
29471 to 29475/14

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WP No.16054 of 2013
directing to the respondents 1 to 6 herein to consider
petitiners representations dated 18.12.2012 and 17.5.2013 and
grant permission to the petitioner for running a small bunk shop
(petty shop) on the line of in between agriculture commodity
trade union building and TANSI building, in the corner side of
100 feet Road, SIDCO, Thiru.Vi.Ka. Nagar, Industrial Estate,
Guindy, Chennai-32

WP No.31211 of 2013
directing the respondents to include in the existing scheme,
Preferential Allotment Land as per Section 43 of the Persons
with Disabilities (Equal Opportunities, Protection of Rights and
Full Participation) Act, 1995 and consequential direction to the
3rd respondent to allot a land vested in it to relocated the
petitioners Bunk Shops presently situated at Bootha Perumal Koil
Street, Chinthathiripet, Chennai 2

WP No.13928 of 2014
Directing the 1st respondent to locate and allot a new,
alternative and suitable site to the petitioner within a period
as stipulated by this Honourable court for setting up his bunk
shop by giving 1 month time to the petitioner to shift his bunk
shop from and near May Day Park at Simpson, Chindaripet,
Chennai-600 002 to such alternative site.

WP No.13937 of 2014
Forbearing the 2nd Respondent from interfering with the running
of the Petitioner shop situated at Backside of Prince Info Tech
Park, Ambit Park Salai, Chennai-58, by selling coffee, tea and
other allied items till he is provided with alternative
accommodation

WP No.13938 of 2014
Forbearing the 2nd Respondent from interfering with the running
of the Petitioner shop situated at Ascents IT Park, Park Gate-I,
C.S.I.R. Salai, Tiruvanmiyur, Chennai-41, by selling coffee, tea
and other allied items till he is provided with alternative
accommodation

WP No.13939 of 2014
Forbearing the 2nd Respondent from interfering with the running
of the Petitioner shop situated at Opposite to K10 Police



Station, Kalliamman Koil Street, Chennai-107, by selling coffee, tea and other allied snacks items till he is provided with alternative accommodation

WP No.13945 of 2014

Forbearing the 2nd respondent from interfering with the running of the petitioner Shop situated at Access Healthcare Enrrance, 9, 1st Main Road, Industrial Estate, Ambattur, Chennai-58, by selling Coffee, Tea and other allied items till he is provided with alternative accommodation

WP No.13946 of 2014

Forbearing the 2nd respondent from interfering with the running of the petitioner Shop situated at Near Askandais Gate-I, Chennai Corporation Park, C.S.I.R. Salai, Thiruvannamiyur, Chennai-41, by selling Coffee, Tea and other allied items till he is provided with alternative accommodation

WP No.13947 of 2014

Forbearing the 2nd respondent from interfering with the running of the petitioner Shop situated at Near Bank of India, Trustpuram, Pulliyur Main Road, Kodambakkam, Chennai-24, by selling Coffee, Tea and other allied items till he is provided with alternative accommodation

WP No.13948 of 2014

Forbearing the 2nd respondent from interfering with the running of the petitioner Shop situated at 32-A, IT Park First Gate, Ambattur, Chennai, by selling Coffee, Tea and other allied items till she is provided with alternative accommodation

WP No.13949 of 2014

Forbearing the 2nd respondent from interfering with the running of the petitioner Shop situated at Ampit Building 2nd Out Gate, Ampit Park Salai, Ambattur, Chennai-58, by selling Coffee, Tea and other allied items till he is provided with alternative accommodation

WP No.14009 of 2014

Forbearing the Respondent from interfering with the petitioners business in bunk in Unit - 40, Division 173, Zn. XIII, in Kamarajar Salai, R.K.Nagar I Main Road, R.A.Puram, Chennai 28.

WP No.14017 of 2014

forbearing the 1st respondent or their men from evicting the petitioners bunk shop Near Chennai Metro Water Pumping Station Road, Chindadripet, Chennai-600 002, and further direct the 1st respondent to grant license to the petitioners bunk shop



WP No.20437 of 2014

direction to second respondent to consider the petitioner representation dated 27.11.13 and grant permission for running bunk shop at No.143, Sterling Road, Nungambakkam, Chennai-34 or allot a new alternative and suitable site to the petitioner within a time frame as stipulated by this Honourable Court and upon such allotment grant one month time to shifting the bunk shop from the present location to such new and alternative site

WP No.23353 of 2014

Forbearing the 2nd Respondent from interfering with the running of the Petitioner shop situated at 60, Kumarapa Lane, Near Parson Harmony Compound, Nageswara Road, Nungambakkam, Chennai-34, by selling Coffee, tea and snacks till alternative accommodation is provided

WP No.23354 of 2014

Forbearing the 2nd Respondent from interfering with the running of the Petitioner shop situated at Old No.7, New No.3, Kushkumar Road, Near BSNL Office, Nungambakkam, Chennai-34, by selling Coffee, tea and snacks till alternative accommodation is provided

WP No.23355 of 2014

Forbearing the 2nd Respondent from interfering with the running of the Petitioner shop situated at Sterling Road, Backside Indian Overseas Bank Apartment, Opposite Loyola College, Nungambakkam, Chennai-34, by selling Coffee, tea and snacks till alternative accommodation is provided

WP No.24609 of 2014

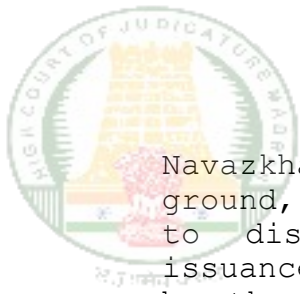
Forbearing the respondents from in any manner interfering with the peaceful running of the bunk shop on the line of Ambit Park Salai, in front of 1st gate of Ambit Park, Opp. Prince Info Park, Ambattur, Chennai-58 and direct the 2nd respondent to dispose the petitioner representation dated 12.06.2014 issuance of Licence Running Bunk shop at Ambit Park Salai, in front of 1st gate of Ambit Park, Opp. Prince Info Park, Ambattur, Chennai-58

WP No.24610 of 2014

Forbearing the respondents from in any manner interfering with the peaceful running of the bunk shop on the line of 4th Street, Opp. to Royal Enterprises, Demondy Colony, Abiramapuram, Chennai-28 and direct the 2nd respondent to dispose the petitioner representation dated 04.01.2012 issuance of Licence Running Bunk shop at 4th Street, Opp. to Royal Enterprises, Demondy Colony, Abiramapuram, Chennai-28

WP No.24611 of 2014

Forbearing the respondents from in any manner interfering with the peaceful running of the bunk shop on the line of Kadhar



Navazkhan Road, by the side of Kakkani Building, Opp. Vacant ground, Thousand light, Chennai-6 and direct the 2nd respondent to dispose the petitioner representation dated 01.08.2014 issuance of Licence Running Bunk shop at Kadhar Navazkhan Road, by the side of Kakkani Building, Opp. Vacant ground, Thousand light, Chennai-6

WP No.29455 of 2014

Directing the 2nd respondent to consider and pass orders on the petitioner representation dated 15.10.2014 for grant of licence/permission for running of the petitioner bunk shop situated at ICICI Bank (Opp), No.24A, C2, 3rd Cross Street, Ambattur Estate, Chennai-58, wherein selling Tea, Coffee, Snacks and food items and till such time not to disturb the running of the same

WP No.29456 of 2014

Directing the 2nd respondent to consider and pass orders on the petitioner representation dated 14.10.2014 for grant of licence/permission for running of the petitioner bunk shop situated at Toncy Project Sell (Near), C-8 (Opp) ATC Road, Ambattur Estate, Chennai-58, wherein selling Tea, Coffee, Snacks and food items and till such time not to disturb the running of the same

WP No.29457 of 2014

Directing the 2nd respondent to consider and pass orders on the petitioner representation dated 15.10.2014 for grant of licence/permission for running of the petitioner bunk shop situated at No.C-15 (Opp), 2nd Main Road, Ambattur Estate, Chennai-58, wherein selling Tea, Coffee, Snacks and food items and till such time not to disturb the running of the same

WP No.29458 of 2014

Directing the 2nd respondent to consider and pass orders on the petitioner representation dated 27.10.2014 for grant of licence/permission for running of the petitioner bunk shop situated at Opp. Bogma Auto Bogma Auto Mobile Service, Near Employee Quarters Entrance, 1st Main Road, Ambattur, Chennai-58, wherein selling Tea, Coffee, Snacks and food items and till such time not to disturb the running of the same

WP No.29459 of 2014

Directing the 2nd respondent to consider and pass orders on the petitioner representation dated 7.8.2014 for grant of licence/permission for running of the petitioner bunk shop situated at Back Gate India Land I.T.Company, 3rd Cross Street, ICICI Bank Back Side, Chennai-58, wherein selling Tea, Coffee, Snacks and food items and till such time not to disturb the running of the same



WP No.29471 of 2014
directing the 2nd respondent to consider and pass orders on the petitioners representation dated 28.10.2014 for grant of licence/permission for running of the petitioners bunk shop at S.28/28, P.1 & P.2, State Bank OP, 2nd Main Road, Ambattur Estate, Chennai-600 058, wherein selling Tea, Coffee, Snacks and food items and till such time not to disturb the running of the same

WP No.29472 of 2014
directing the 2nd respondent to consider and pass orders on the petitioners representation dated 27.10.2014 for grant of licence/permission for running of the petitioners bunk shop near Esap India Private Ltd., No.13, 3rd Main Street, Ambattur Estate, Chennai-58 wherein selling Tea, Coffee, Snacks and food items and till such time not to disturb the running of the same

WP No.29473 of 2014
directing the 2nd respondent to consider and pass orders on the petitioners representation dated 14.10.2014 for grant of licence/permission for running of the petitioners bunk shop near Near Indian Bank, Opp) AIMA Tower, 1st Main Road, Ambattur Estate, Chennai-58 wherein selling Tea, Coffee, Snacks and food items and till such time not to disturb the running of the same

WP No.29474 of 2014
directing the 2nd respondent to consider and pass orders on the petitioners representation dated 28.10.2014 for grant of licence/permission for running of the petitioners bunk shop at 3rd Cross Street, Opp. ICICI Bank, TI Gate Entrance Near, Ambattur Estate, Chennai-600 058, wherein selling Tea, Coffee, Snacks and food items and till such time not to disturb the running of the same

WP No.29475 of 2014
directing the 2nd respondent to consider and pass orders on the petitioners representation dated 27.10.2014 for grant of licence/permission for running of the petitioners bunk shop at P110, (SP), F19, Lawrence Edutech Private Limited (Near), 5th Street, Ambattur Estate, Chennai-600 058, wherein selling Tea, Coffee, Snacks and food items and till such time not to disturb the running of the same.

For Petitioner in WP 16054/13 : Mr.D.Jagadeesan

For Petitioner in WP 31211/13 : Mr.G.Justin

For Petitioner in WP 13928/14 : Mr.P.Srinivasan

For Petitioner in WPs 13937to



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13939, 23353 to 23355/14,
29471 to 29475/14

: Mr.R.Kamaraj

For Petitioner in WPs 13945 to
13949, 29455 to 29459/14

: Mr.L.Chandrakumar

For Petitioner in WPs 24609 to
24611/14

: Mr.K.Yuvaraj

For Petitioner in WP 14009/14 : Mr.G.Appavu

For Petitioner in WP 14017/14 : Mr.S.Parthasarathy

For Petitioner in WP 20437/14 : Mr.S.Pushpakaran

For Respondent-1 in WP: Mr.R.S.Selvam,
16054/13, R1&R2 in Government Advocate.
WP 31211/13, R2 in WP
13928/14, R1 in WPs
13937 to 13939/14, 13945 to
13949/14, R-2 in WP 14017/14,
R1&R3 in WP 20437/14, R-1 in
WPs 23353 to 23355/14, R1&R3
in WPs 24609 to 24611/14, R-1
in WPs 29455 to 29459/14, R-1 in
WPs 29471 to 29475/14

For Respondents-2 to 4 in WP : Mrs.Narmadha Sampath,
16054/13 Additional Advocate General
Assisted by Mrs.Karthika Ashok.

For R3 in WP 31211/13, R2 in : Mrs.Narmadha Sampath,
WPs 13937 to 13939/14, Additional Advocate General
13945 to 13948/14, 23353 Assisted by Mr.R.Arunmozhi.
To 23355/14

For R1 in WP 13928/14 : Mrs.Narmadha Sampath,
Additional Advocate General
Assisted by Mr.B.B.Senthilkumar.

For R2 in WP 13949/14 : Mrs.Narmadha Sampath,
Additional Advocate General
Assisted by Mr.S.Saravanan.

For R2 in WP 20437/14 : Mrs.Narmadha Sampath,
Additional Advocate General
Assisted by Mr.C.Ravichandran.

For Respondent in WP 14009/14: Mrs.Narmadha Sampath,
R2 in WPs 24609 to 24611/14, Additional Advocate General
R2 in WPs 29455 to 29459/14, Assisted by Mr.T.C.Gopala-



R1 in WP 14017/14, R-2 in krishnan, Standing Counsel for
WPs 29471to29475/14 Chennai Corporation.

For Respondent-5 in WP 16054/13: No Appearance

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For Respondent-6 in WP 16054/13,
R3 in WPs 29455to29459/14,
R3 in WPs 29471to29475/14 : Mr.Abdul Saleem

C O M M O N O R D E R

These batch of writ petitions are filed for a direction to direct the respondents to consider the respective representations submitted the writ petitioners for granting permissions to run the Bunk Shops (Petty Shops) in various locations, within the Chennai Corporation limits.

2. The grievances of the writ petitioners are that they are running small petty shops (Bunk Shops) in various locations for number of years. The authorities are now initiating actions to evict all those Bunk Shops and under those circumstances, the writ petitioners are constrained to move the present writ petitions.

3. The respective learned counsels, appearing on behalf of the writ petitioners, contended that these Bunk Shops are the livelihood of the writ petitioners and in the event of eviction, the families of the writ petitioners would lose their livelihood. The writ petitioners are the breadwinner of their respective families and running these Bunk Shops for number of years. Thus, any eviction would cause an irreparable loss to the life of these writ petitioners as well as their family members.

4. The writ petitioners have already submitted their respective representations to the authorities competent to consider their case favourably, granting permission to run these Bunk Shops. However, the said representations are not considered by these authorities and no decision has been taken in this regard.

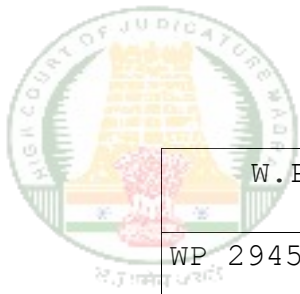
5. The learned Additional Advocate General, appearing on behalf of the respondents, opposed the said contentions of the learned counsels for the writ petitioners, by stating that undoubtedly certain Bunk Shops are already functioning within the jurisdiction of Chennai City. However, certain other litigations are frivolous in nature. Without even running any Bunk Shops, the writ petitions are filed and during the pendency of the writ petitions, the writ petitioners' Bunk Shops are newly commissioned. Such is the modus operandi of few owners of Bunk Shops. Thus, the same yardstick cannot be adopted in



respect of all these writ petitions.

6. In these batch of writ petitions, in some cases, the Bunk Shops are being run by the persons for some years, in some cases, there is no Bunk Shop at all and in few cases, greater inconvenience to the free flow of traffic and walker's path meant for the pedestrians are also affected. In other words, it is contended that the pathway meant for the pedestrians are illegally occupied by some vendors. In such circumstances, there is a possibility for accident and therefore, it is the duty of the respondents to ensure that such sensitive areas are protected for the welfare of the public at large. The details of the non-availability of Bunk Shops are submitted by the learned Additional Advocate General appearing for the Chennai Corporation and the details are extracted hereunder:-

W.P.No.	Petitioner's Name	Standing Counsel's Name	Remarks
WP 16054/2013	D.S.Sundar	Karthika Ashok	No Bunk
WP 31211/2013	Jainullabudeen	R.Arunmozhi	No Bunk
WP 13928/2014	S.Saravanan	B.B.Senthilkumar	Available
WP 13937/2014	Vinothkumar	R.Aunmozhi	No Bunk
WP 13938/2014	G.Kathiravan	R.Aunmozhi	No Bunk
WP 13939/2014	Velankanni	R.Aunmozhi	No Bunk
WP 13945/2014	D.Bavani	R.Aunmozhi	No Bunk
WP 13946/2014	S.Kanchana	R.Aunmozhi	No Bunk
WP 13947/2014	T.Balaji	R.Aunmozhi	No Bunk
WP 13948/2014	B.Girija	R.Aunmozhi	No Bunk
WP 13949/2014	Masthan	R.Aunmozhi	No Bunk
WP 14009/2014	S.Mariappan	T.C.Gopalakrishnan	Locked
WP 14017/2014	P.Vijayakumar	T.C.Gopalakrishnan	Available
WP 20437/2014	S.Ravikumar	C.Ravichandran	Available
WP 23353/2014	R.Ramu	R.Arunmozhi	Available
WP 23354/2014	Mukunthan	R.Arunmozhi	Available
WP 23355/2014	K.Mohideen Sahul Hammed	R.Arunmozhi	Available
WP 24609/2014	Manikandan	R.Arunmozhi	No Bunk
WP 24610/2014	M.Krishnan	R.Arunmozhi	No Bunk
WP 24611/2014	Saravanan	R.Arunmozhi	Available



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W.P.No.	Petitioner's Name	Standing Counsel's Name	Remarks
WP 29455/2014	K.Vishvanathan	T.C.Gopalakrishnan	No Bunk
WP 29456/2014	Kaanjana	T.C.Gopalakrishnan	No Bunk
WP 24557/2014	C.Prabakaran	T.C.Gopalakrishnan	No Bunk
WP 24558/2014	C.Vinodkumar	T.C.Gopalakrishnan	No Bunk
WP 24559/2014	E.Devaraj	T.C.Gopalakrishnan	No Bunk
WP 29471/2014	A.Subramaniyan	T.C.Gopalakrishnan	No Bunk
WP 29472/2014	G.Subramani	T.C.Gopalakrishnan	No Bunk
WP 29473/2014	M.Velankanni	T.C.Gopalakrishnan	No Bunk
WP 29474/2014	P.Sridhar	T.C.Gopalakrishnan	No Bunk
WP 29475/2014	A.Arulamma	T.C.Gopalakrishnan	No Bunk

7. It is brought to the notice of this Court that the Hon'ble First Bench of this Court passed an order in a batch of writ petitions on 3.9.2015, which reads as follows:-

"3. We have noticed in our last order that the present petitions are really only concerned with 'Bunk Shops' and the grievance of the petitioners is that the individual cases are liable to be considered in terms of the provisions of the said Act. We hasten to add that it only implies a consideration and not an inherent right. Whether a bunk shop is to exist or not, if it is to exist, at what location or whether there is need for some other measures of rehabilitation by regulated vending through other methodology are the aspects the committee would have to examine.

4. The real grievance came from the decision of the Corporation which sought to rule out any consideration of the bunk shops, something which could not have been done in our view. The committee under the Act would have to look into these aspects to come to a



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conclusion specifically in view of the definition of Section 2(1) of the said Act, which defines 'street vendor' to include "a temporary built up structure". The plea of the petitioner is predicated on the fact that the bunk owners would thus necessarily have to be considered under the Provisions of the Said Act. To this extent, we are in agreement with the plea advanced on behalf of the petitioner.

5. In paragraph-5 of the order dated 28.05.2015, we had in fact made some suggestions which could be looked into and those aspects would be examined by the authorities, while framing the policy or by the Committee, as the case may be.

6. Since aforesaid is the only controversy raised, it is conceded that any action against the petitioner would necessarily have to await the decision of the constitution of the Committee, its policy and thereafter consideration by the Committee and thus there would have no threat in the mean time. This however does not mean give a license to persons to keep on setting up bunk shops and no protection would be available to such cases. We also make it clear that the existence in the mean time of the bunk shops already in place does not also mean that they will not comply with the norms applicable depending on the activity they are carrying on in the bunk shops - it cannot be a license to do what they please. When example of this keep any endeavour to sell goods which are prohibited or where eatables are involved and norms are not met and hygiene etc. In such situation also, the Corporation can take necessary action. In case of difficulty, liberty to move in W.P.No.4962 of 2013.

7. The petitioners are also not entitled to either increase the size of their bunk shops or to spread beyond the periphery of the bunk still their cases are considered."

8. The Street Vendors Act, 2014 (Central Act 7 of 2014) came into force with effect from 1.5.2014. Section 2(d) of the Act, defines "Mobile Vendors" as follows:-

"Mobile Vendors" means "street vendors who carryout vending activities in designated area by moving from one place to



another place vending their goods and services".

9. Section 2(1) of the Act, defines "Street Vendor" as follows:-

"(1) "street vendor" means a person engaged in vending of articles, goods, wares, food items or merchandise of everyday use or offering services to the general public, in a street, lane, side walk, footpath, pavement, public park or any other public place or private area, from a temporary built up structure or by moving from place to place and includes hawker, peddler, squatter and all other synonymous terms which may be local or region specific; and the words "street vending", with their grammatical variations and cognate expressions, shall be construed accordingly."

10. Section 2(m) of the Act, defines "Town Vending Committee" as follows:

"(m) "Town Vending Committee" means the body constituted by the appropriate Government under Section 22."

11. Section 2(n) of the Act, defines "Vending Zone" as follows:-

"(n) "vending zone" means an area or a place or a location designated as such by the local authority, on the recommendations of the Town Vending Committee, for the specific use by street vendors for street vending and includes footpath, side walk, pavement, embankment, portions of a street, waiting area for public or any such place considered suitable for vending activities and providing services to the general public."

12. Section 4 of the Act, deals with "Issue of Certificate of Vending". Section 5 of the Act, stipulates the "Conditions for issue of Certificate of Vending". Section 6 of the Act, enumerates the "Categories of Certificate of Vending and issue of Identity Cards". Section 8 of the Act, provides "Vending Fees". Chapter VII to Section 22 of the Act, deals with "Town Vending Committee". The Town Vending Committee is empowered to consider the grievances and the representations submitted by the vendors or the owners of such Bunk Shops. Chapter V of the Act, deals with "Dispute Redressal Mechanism".



Section 20 of the Act, stipulates "Redressal of grievances or Resolution of Disputes of Street Vendors". Accordingly, the appropriate Government may constitute one or more Committees consisting of a Chairperson, who has been a Civil Judge or a Judicial Magistrate and two other professionals, having such experience as may be prescribed for the purpose of deciding the applications received under sub-section (2) of the Act.

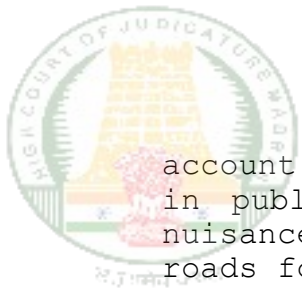
13. Section 20 (2) of the Act, states that every Street Vendor, who has a grievance or dispute, may make an application in writing to the Committee constituted under sub-section (1) in such form and manner as may be prescribed. Sub-clause (3) to Section 20 of the Act, states that "on receipt of grievance or dispute under sub-section (2), the Committee referred to in sub-section (1) shall, after verification and enquiry in such manner, as may be prescribed, take steps for redressal of such grievance or resolution of such dispute, within such time and in such manner as may be prescribed".

14. Sub-clause (4) to Section 20 of the Act, states that "any person, who is aggrieved by the decision of the Committee, may prefer an appeal to the local authority in such form, within such time and in such manner as may be prescribed".

15. Thus, the Redressal Mechanism has already been provided under the Act itself. The nature of the Bunk Shops and the area under occupation and other relevant factors are to be considered by the Committee, while taking decisions in this regard. The authorities are also bound to consider the fact that whether a permanent Bunk Shops can be allowed in a particular place or these vendors can be allowed to do mobile vending business. All these factors are to be considered by the Competent Authorities and this Court cannot entertain any claim in respect of installation of such permanent Bunk Shops, Mobile Vending or Street Vending in a writ petition under Article 226 of the Constitution of India and a comprehensive policy decision is required for the purpose of allowing these categories of vending in public roads and in public places. Allowing such categories of vending in public places must be regulated by the Competent Authorities.

16. In the event of failure on the part of the authorities to regulate such kind of Mobile Vending, Street Vending or Bunk Shops, the same will cause great hindrance for the general public and the same will further affect the free flow of traffic in the City areas. As far as the Chennai City is concerned, it is already flooded with automobiles and other activities. The public roads are mostly occupied for parking the motor vehicles in an irregular manner.

17. The Corporation Authorities are not initiating any effective steps to control these illegal parkings in the public areas, more specifically, in Chennai City Corporation limits. On



account of such irregular and illegal parking of motor vehicles in public roads and in other areas, the same causes lot of nuisances and agony to the citizen, who all are using the public roads for travelling purposes.

18. For instance, in a road, wherein two sides are utilised for the purpose of parking the vehicles, then it would be difficult for the persons to use the road and more specifically, the emergency vehicles like Ambulance, Police Vehicles are also struck on account of such illegal parkings. Effective measures are not taken to control such illegal parkings within the City limits and the Police Officials, who are empowered to control such parkings are also not performing their duties and responsibilities in an efficient manner. Here and there, they are allowing the vehicles or towing the same, in spite of large scale violations are happening day-in and day-out in the City limits.

19. Thus, under these circumstances, regulating the Vendors are certainly important. Equally, regulating the illegal parkings and ensuring free flow of regular traffic, is also certainly required, this Court is of an opinion when the question of regulating the free flow of traffic in public roads, all other public places, the authorities competent should ensure that the irregular vending or installation of bunk shops are to be controlled and regulated. Equally, it is important that all such other illegalities in the public roads and public places are also to be monitored and controlled effectively and efficiently. Thus, the writ petitioners are bound to approach the Town Vending Committee constituted under the provisions of the Street Vendors Act, 2014, for the purpose of redressing their grievances. The Town Vending Committee also shall consider all other aspects, including the public utility and other practical difficulties of the citizen of Chennai at large.

20. The learned Additional Advocate General, appearing on behalf of the Chennai Corporation, brought to the notice of this Court that the Town Vending Committee has already been constituted. However, on account of want of Quorum, it is not functioning and the elections are already commenced for electing the members for the Town Vending Committee and the process will be completed soon. Thus, the writ petitioners may approach the Town Vending Committee for redressing their grievances in the manner known to law.

21. In respect of eviction of encroachers, the Hon'ble Division Bench also passed an order on 19.2.2018 in WP No.15093 of 2017 etc., batch, the learned Additional Advocate General, appearing for the respondents, brought to the notice of this Court that pursuant to the orders of the Hon'ble Division Bench, some of the encroachments were already removed. Under these circumstances, if any encroachments are left out, the same also shall be removed by following the procedures contemplated under law.



22. In this view of the matter, the relief, as such, sought for by the writ petitioners in these batch of writ petitions, cannot be granted. However, it is made clear that all such grievances, now brought to the notice of this Court, can be vindicated before the Committee constituted under the provisions of the Act, for the purpose of redressal of the cases of the writ petitioners in these batch of writ petitions and the writ petitioners are at liberty to submit their respective representations/applications/objections before the Town Vending Committee for their consideration and for taking a decision on merits and in accordance with law and considering the policy decisions of the Government in this regard. If any person is in occupation of a Non-Vending Zone or not meant for vending, as per the decisions of the competent authorities, then the authorities are bound to evict all those encroachers by following the procedures contemplated under the Tamil Nadu Land Encroachments Act, 1905.

23. Accordingly, all these writ petitions stand disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/--

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Svn

To

- 1.The Special Commissioner for Handicapped
O/o.The State Commissioner of Disabled
No.15/1, Model School Road,
Thousand light, Chennai -6.
- 2.The Commissioner
Corporations of Chennai,
Reppon Buildings, Chennai 3
- 3.Zonal Officer,
Zone IX, Richardes Park,
Saidapet, Chennai-600 032.
- 4.The Junior Engineer,
Corporation of Chennai,
No.97, Velachery Main Road,
Guindy, Chennai-600 016.



5.The General Manager,
TNSIDCO, Regd. Office at Polwal's Road,
Kathipara Junction,
Chennai-600 016.

WEB COPY

6.The Branch Manager,
Tamil Nadu Small Industries Development
Corporation Limited,
SIDCO, Thiru Vi Ka Industrial Estate,
Guindy, Chennai-32.

7.The Commissioner of Police,
Greater Chennai,
Veperry, Chennai 7.

8.The Administrative Director
SIDCO, Ambattur Estate,
Chennai 58.

9.The State Commissioner for Differently abled
O/o.State Commissioner for Differently abled
J.N.Ring Road, Chennai 78.

+1cc to M/s.R.Arunmozhi, Advocate SR.NO.65463
+1cc to Government Pleader SR.NO.65803
+1cc to M/s.A.Karthika Ashok Advocate SR.NO.66223
+1cc to M/s.S.Saravanan, Advocate SR.NO.65580
+1cc to Mr.G.Appavu SR.NO.66085
+1cc to M/s.T.C.Gopalakrishnan, Advocate SR.NO.65427
+1cc to M/s.S.Parthasarathy, Advocate SR.NO.65679
+1cc to M/s.Dr.C.Ravichandran, Advocate SR.NO.65431

WP Nos.16054, 31211 of 2013,
13928, 13937 to 13939, 13945
to 13949, 14009, 14017, 20437,
23353 to 23355, 24609 to
24611, 29455 to 29459 and
29471 to 29475 of 2014.

RGN(CO)
sm:22.11.2018
Compared by (N.J.K) S.A.R(06/12/2018)