

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 09.10.2018

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.26246 of 2018

Mr.Balamurugan

... Petitioner

-Versus-

1. The commissioner,
Chennai Corporation,
Rippon Building,
Chennai - 600 003.

2. The Zonal Officer,
Zone-13, Chennai Corporation,
Adyar,
Chennai - 600 020.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 31.07.2018.

For Petitioner : Mr. V.S.Usha Rani

For Respondents : Mr.V.C.Selvasekar,
Standing counsel

ORDER

This writ petition has been filed seeking to issue a direction to the 1st respondent and also to the Vending Committee to be constituted by the 1st respondent to consider the representation of the petitioner dated 31.07.2018 for grant of license to run his refreshment stall in the bunk and for a consequential direction forbearing the 1st respondent to permit the petitioner to run his business until his request for license is considered.

2. The case of the petitioner is that he has completed 10th standard and he intends to start his own business by putting up a bunk stall. Hence, he made a representation seeking permission to put up a bunk stall as early as on 31.07.2018. But, the same has not been so far considered by the respondents. Hence, the present writ petition has been filed.

3. The learned counsel for the respondent corporation relying upon a judgement of a learned single Judge of this court in W.P.No.16054 of 2013 (batch cases) dated 20.09.2018 (D.S.Sundar v. The Special Commissioner for Handicapped, Office of the State Commissioner of Disabled, Chennai and others), contended that the relief sought for by the petitioner cannot be granted and the petitioner can vindicate his grievance before the Committee to be formed under the provisions of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014.

3. I have considered the rival submissions carefully.

4. This court very recently in D.S.Sundar v. The Special Commissioner for Handicapped, Office of the State Commissioner of Disabled, Chennai and others (W.P.No.16054 of 2018 dated 20.09.2018) this Court has held that the grievance of the street vendors regarding the grant permission or license for running the business in the bunk shops can be vindicated before the Vending Committee and the relevant portion of the judgement of this court reads as follows:

"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."

5. At this juncture, the learned counsel for the petitioner submitted that the petitioner being a differently able intended to start his own petty shop business by putting up a bunk, but the respondents refused to grant licence.

6. In the light of the above position and having regard to the facts and circumstance of the case, this court is inclined to dispose of the writ petition with the following directions:-

The petitioner is permitted to submit his application, if so desires, before the Town Vending Committee to be constituted and on such application, the Committee shall consider the request of the petitioner for the grant of such license / permission and pass suitable orders on merits and in accordance with law within a reasonable time.

7. In the result, the writ petition is disposed of as indicated above. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

mrp

To

1. The commissioner,
Chennai Corporation,
Rippon Building,
Chennai - 600 003.
2. The Zonal Officer,
Zone-13, Chennai Corporation,
Adyar, Chennai - 600 020.

+1 cc to M/s.V.S.Usharani, Advocate, S.R.No.69806

W.P.No.26246 of 2018

MG(CO)
SSM(31/01/2019)