

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 19.12.2018

CORAM:
THE HON'BLE MR.JUSTICE V.BHARATHIDASAN, J.
W.P.No.33080 of 2018
and
W.M.P.No.38355 of 2018

P. Venkatesan

... Petitioner

/Vs/

1. Greater Chennai Corporation,
Represented by its Commissioner,
Rippon Building,
Chennai.

2. The Zonal Officer,
Zone-IX,
Greater Chennai Corporation,
No.4, 4th Cross Street,
Lake View Road, Nungambakkam,
Chennai - 600034.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the second respondent in their letter vide Z.O.IX.C.No.09003/2018, dated 12.11.2018, relating to rejection of the petitioner's application for issue of licence to run a tea stall/bunk shop at New No.24, Old No.21, Opposite to Door No.6/2, Pycrofts Garden Road, Nungambakkam, Chennai - 600 034 and quash the same and consequently, forbearing the respondents from in anyway interfering with the petitioner's peaceful possession and running of the above said tea stall, till the Hawker's Committee is constituted and decides on such license.

For Petitioner : Mr.D.S.Rajsekaran

For Respondents : Mrs.Karthikaa Ashok [St. Counsel]

WEB * * * *
O R D E R

The writ petition has been filed challenging the order passed by the second respondent rejecting the petitioner's representation seeking grant of licence to run a bunk shop.

2. According to the petitioner, he has been running a bunk shop at New No. 24, Old No. 21, Pycrofts Garden Road,

Nungambakkam, and selling Tea, coffee and other food items. He has filed an application seeking licence, but, that application was not considered by the Corporation. Hence, earlier, he has filed a writ petition in W.P.No.19747 of 2018, seeking a direction to the Corporation from interfering with the running of his bunk shop. This Court by an order dated 02.08.2018, directed the respondents Corporation to consider the petitioner's representation and pass orders on merits. Pursuant to the above order, the impugned order has been passed by the second respondent rejecting the petitioner's representation on the ground that the Corporation is not granting any licence to run any bunk shop and that apart, the petitioner is also running the bunk shop without a valid licence and also selling the prohibited items, like, Pan parag and also running the bunk shop in an unhygienic manner. Challenging the same, the present writ petition has been filed.

3. Heard both sides and perused the materials available on records carefully.

4. The impugned order has been passed merely on the ground that the respondents-Corporation is not granting any licence for running any bunk shop in the City. It was a policy decision taken by the Chennai City Municipal Corporation and this Court cannot interfere with the policy decision taken by the Corporation. As of now, they are not issuing any licence for bunk shop. However, considering the fact after formation of the Town Vending Committee, under the provisions of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, the committee only has power to consider any application for grant of licence.

5. In the said circumstances, the petitioner is at liberty to approach the concerned Town Vending Committee and submit his application seeking licence and it is for the Town Vending Committee to consider the application and pass suitable orders.

6. With the above observations, this writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

msm/mrp

To

1. Greater Chennai Corporation,
Represented by its Commissioner,
Rippon Building,
Chennai.



सत्यमेव जयते

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2.The Zonal Officer,
Zone-IX,
Greater Chennai Corporation,
No.4, 4th Cross Street,
Lake View Road, Nungambakkam,
Chennai - 600 034.

+1cc to Mr.D.Jagadeesan, Advocate, S.R.No.88544
+1cc to Mrs.Karthikaa Ashok, Advocate, S.R.No.88669

W.P.No.33080 of 2018

rrs 25/01/2019



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