

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 15.07.2019
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.15193 of 2010

D.Kamala

... Petitioner

Vs.

1.The Commissioner,
Chennai Corporation,
Ripon Building,
Chennai - 600 003.

2.The District Revenue Officer,
Land and Property Department,
Chennai Corporation,
Chennai - 600 003.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the order passed by the 2nd respondent in No.L.E.10/1130/2010 dated 10.6.2010 and quash the same and further forbear the respondents from evicting the petitioner's Bunk Shop at M.C.Road, Robinson Play Ground (Infront) Opp.Veeras Readymades, Old Washermanpet, Chennai - 600 021 till the application for Aavin Franchise outlet is processed the order is passed.

For Petitioner : Mr.S.Parthasarathy

For Respondents: Ms.Karthikaa Ashok

Standing Counsel for Corporation

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records relating to the order passed by the second respondent in No.L.E.10/1130/2010 dated 10.6.2010 and to quash the same and further to forbear the respondents from evicting the petitioner's Bunk Shop at M.C.Road, Robinson Play Ground (Infront) Opp.Veeras Readymades, Old Washermanpet, Chennai - 600 021 till the application for Aavin Franchise outlet is processed and order is passed.

2.The case of the petitioner is that she is a poor lady leading her life by selling Aavin Milk on retail basis and she has put up a small bunk shop at M.C.Road, Robinson Play Ground (Infront), Opp.Veeras Readymades, Old Washermanpet, Chennai - 600 021 and is running the same in a hygenic manner without any disturbance to the general public. The petitioner also made representation to the first respondent on 12.03.2010 to grant permission to run the shop. Whiles, the second respondent without giving any opportunity rejected her request and directed her to approach the Tamilnadu Co-operative Milk Producers Federation Limited (Aavin). Accordingly, the petitioner submitted application for Aavin franchise outlet on 01.07.2010 and the

same is under process. However, the respondents are frequently disturbing the petitioner and calling upon her to evict the bunk shop. Hence this petition.

3.The learned Additional Government Pleader appearing for the respondents would submit that inorder to protect the interest of the pavement dwellers/ street vendors, an Act called 'The Street Vendors (Protection and Livelihood Regulation) Act, 2014', was enacted by the Central Government and Rules were framed, in which, the Town Vending Committee was constituted and the Town Vending Committee alone can entertain the representation made by the vendors.

4.The learned Additional Government Pleader further submitted that in view of the above, the petitioner may be directed to make a representation to the Town Vending Committee and thereafter the Town Vending Committee may be directed to consider the said representation and to pass appropriate orders.

5.In view of the above, the petitioner is directed to make a representation to the Town Vending Committee. If any such representation is made by the petitioner, the Town Vending Committee shall consider the same and shall pass appropriate orders on the said representation, in accordance with law.

6.With the above direction, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

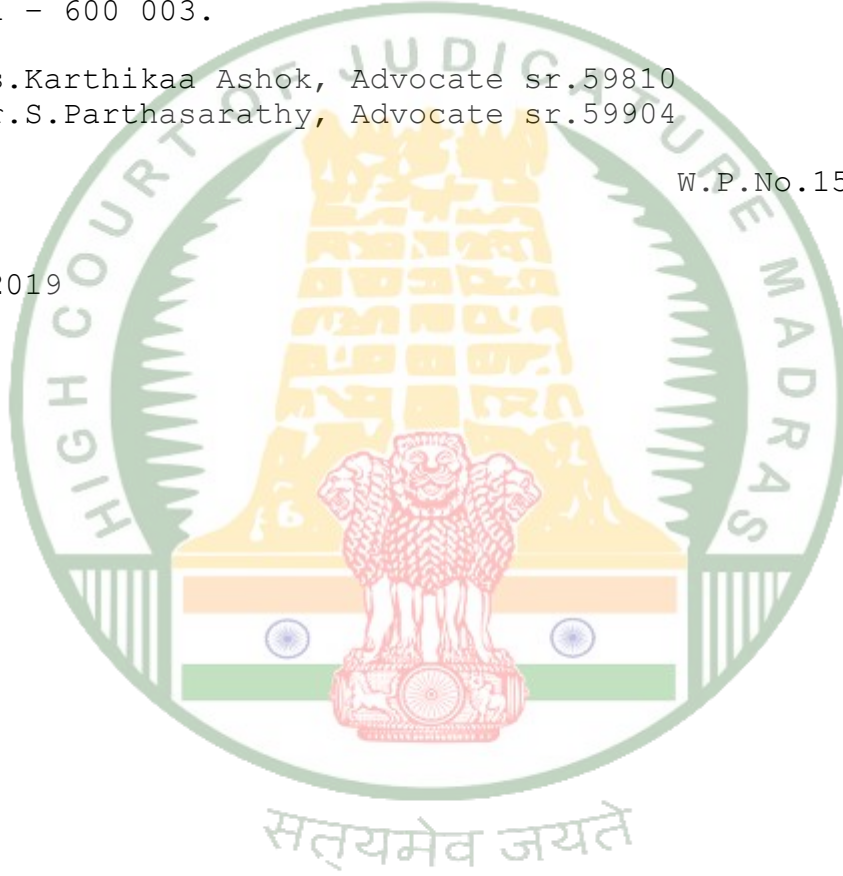
1.The Commissioner,
Chennai Corporation,
Ripon Building,
Chennai - 600 003.

2.The District Revenue Officer,
Land and Property Department,
Chennai Corporation,
Chennai - 600 003.

+1cc to Ms.Karthikaa Ashok, Advocate sr.59810
+1cc to Mr.S.Parthasarathy, Advocate sr.59904

W.P.No.15193 of 2010

kk(co)
nr 27/08/2019



WEB COPY