

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2019

CORAM

THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.6584 of 2019

and

W.M.P.Nos.7413 & 7415 of 2019

D.Revathy

... Petitioner

vs.

1. The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai 600 003.
2. The Chairperson /
Zonal Executive Engineer Zone No.5,
(The Township Vending Committee),
Corporation of Chennai,
Basin Bridge Road,
Chennai 600 021.
3. The Regional Deputy Commissioner (North),
Greater Chennai Corporation,
No.61, Basin Bridge Road,
Chennai 600 021.
4. The Junior Engineer,
Corporation of Chennai,
Division No.59, Memorial Hall,
Park Town, Chennai 600003

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the proceedings of the 3rd respondent under Ref.No.Z.O.V/C.No./A4/10212/2018, dated 18.9.2018 and quash the same and direct the 2nd respondent to place the petitioner's representation dated 30.05.2018, before the Township Vending Committee and decide the same for the grant of permission/Certificate of Vending to the petitioner's bunk shop opposite to C.L.S. & S.B.I., near Park Town Post office, near petrol bunk, Evening Bazaar Road, Chennai 600 003, wherein selling tea, coffee, snacks and other food items.

For Petitioner : Ms.Jasmine for
Mr.L.Chandrakumar.

For Respondents : Mrs.Karthika Ashok,
Chennai Corporation

O R D E R

The petitioner has been running a bunk shop opposite to C.L.S & S.B.I., near Park Town Post office, near Petrol bunk, Evening bazaar road, Chennai. The petitioner has been selling fruits juice, tea, coffee, snacks and food items in a hygienic manner and earning a meagre sum, out of which, she is taking care of herself and her family. The petitioner would submit that her bunk shop is in no way disturbing the general public or the free flow of traffic.

2. The petitioner has filed W.P.No.15459 of 2018 praying to consider her representation dated 30.05.2018 and the petitioner's bunk shop shall not be disturbed by the respondents, till final orders passed in the above said Writ Petition. In the order dated 27.06.2018, passed in the above said Writ Petition, this Court without going into the merits of the case, directed the respondents therein to consider the representation of the petitioner dated 30.05.2018 and pass order on merits and in accordance with law. Pursuant to the above order, the third respondent in the above Writ Petition passed an impugned order rejecting the claim of the petitioner.

3. Challenging the above impugned order, the petitioner has filed the present Writ Petition before this Court.

4. The learned counsel appearing for the petitioner would submit that as per the provisions of "the Street Vendors (Protection of Livelihood and Regulation) Act, 2014", the Greater Chennai Corporation is not the competent authority and only the 'Township Vending Committee' is the competent authority.

5. The learned Standing Counsel appearing for the respondents would submit that the averments in the affidavit of the petitioner are totally wrong and the same are denied. The petitioner has filed WP.No.15459 of 2018 and this Court has directed the respondents therein to consider the representation of the petitioner dated 30.05.2018.

6. According to the respondents, the Town Vending Committee was constituted in this particular zone on 08.12.2018. Till such constitution of the Committee, as an enforcing Authority,

the Greater Chennai Corporation is competent to pass orders. The learned Standing Counsel appearing for the respondents would further submit that the petitioner has not been running a bunk shop in the aforesaid place. From the averments in the counter affidavit, it is clear that the petitioner has already approached this Court and sought for protection to continue and run the business in the aforesaid place. This Court was not inclined to grant such a relief and the same was negative as could be evident from the order.

7. However, this Court has directed the authority to consider the petitioner's representation dated 30.05.2018 and pass orders on merits and in accordance with law, after providing an opportunity of hearing to the petitioner, within a period of twelve weeks from the date of receipt of a copy of that order.

8. The counter affidavit filed by the second respondent stated that the 'Township Vending Committee' has been constituted as per the Township Vending Committee Act only on 08.12.2018 and therefore, there is no merits on the contentions of the petitioner and the Writ Petition is liable to be rejected. This order will not stand in the way of the petitioner to make his request before the vending committee, if so advised.

9. In view of the facts and circumstances of the present case, this writ petition fails and consequently stands dismissed with the above liberty to the petitioner. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Deputy Registrar (CJ Conf.)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai 600003.

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2. The Chairperson /
Zonal Executive Engineer Zone No.5,
(The Township Vending Committee),
Corporation of Chennai,
Basin Bridge Road,
Chennai 600021.
3. The Regional Deputy Commissioner (North),
Greater Chennai Corporation,
No.61, Basin Bridge Road,
Chennai 600021.
4. The Junior Engineer,
Corporation of Chennai,
Division No.59, Memorial Hall,
Park Town,
Chennai 600003.

+lcc to Mr.R.Kamaraj, Advocate, S.R.No.30229

+lcc to Mrs.Karthika Ashok, Advocate, S.R.No.29690

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and
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VBA (CO)
CS/21/05/2019



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