

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.8.2019

CORAM

THE HONOURABLE DR.JUSTICE VINEET KOTHARI
AND

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.A.No.1773 of 2018
and C.M.P.No.14212 of 2018

Abdulhammed

..Appellant

Vs.

1. K.Jothi

2. The Commissioner,
Corporation of Chennai,
Rippon Building, Chennai 600 003.

3. The Chairperson/Zonal Executive
Engineer (Zone No.13),
(The Township Vending Committee),
Corporation of Chennai,
Adyar, Chennai 600 020.

..Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent against the order of this court dated 2.1.2018 in W.P.No.33975 of 2017.

Prayer in WP.No.33975 of 2017: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents to consider and pass orders on the petitioner's representation dated 01.12.2017 as per the provisions of the Street Vendors (Protection of Livelihood Regulation) Act 2014 made for granting permission / Certificate of Vending and till such time not to disturb with the running of the petitioner bunk shop near Door No.174 Sathiya Dev Avenue near Open Park Opposite to Cee Bros Chennai - 600028.

For appellant : Mr.M.S.Nandakumar
For R1 : Mr.R.Gokulakrishnan
For RR2 and 3 : Mr.P.H.Arvind Pandiyan,
Additional Advocate General

JUDGMENT

(Judgment of the court was made by Dr.VINEET KOTHARI, J.)

This Appeal has been filed by Mr.Abdulhameed, son of Abdul Subhan, MRC Nagar, Chennai, being aggrieved by the order dated 2.1.2018 passed by the learned Single Single Judge in

W.P.Nos.33974 & 33975 of 2017 (C.Nithyanandham and K.Jothi v. The Commissioner, Corporation of Chennai and two others) wherein the learned Single Judge has only directed the Vending Committee constituted in G.O.(4D) No.5 Municipal Administration and Water Supply (MCI) Department, dated 5.10.2016 to consider the Writ Petitioners' representations dated 9.12.2017 and 1.12.2017.

2. The case of the Appellant in the present Appeal, who was not a party before the learned Single Judge, is that the Writ Petitioners have suppressed certain materials and obtained the aforesaid order from the learned Single Judge. Hence, this Appeal.

3. The learned Additional Advocate General Mr.P.H.Arvind Pandiyan appearing for Respondents 2 and 3 submitted that matter is pending before the Vending Committee of the Municipal Corporation, who is now seized of the matter to decide the representations of the Writ Petitioners and they are yet to be decided.

4. In view of the same, we are not inclined to interfere with the order passed by the learned Single Judge and we leave it open to the present Appellant (Complainant) and the Writ Petitioners to get the matter decided by the Vending Committee. With these observations, the Writ Appeal is disposed of. No costs. The connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To:

1. The Commissioner, Corporation of Chennai,
Rippon Building, Chennai 600 003.
2. The Chairperson/Zonal Executive
Engineer (Zone No.13),
(The Township Vending Committee),
Corporation of Chennai, Adyar, Chennai 600 020.

+1 cc to M/s.R.Gokulakrishnan, Advocate Sr.No. 69286

+1 cc to M/s.N.S.Nandakumar, Advocate Sr.No. 69502

AKM/20.09.19/2P-4C /

W.A.No.1773 of 2018