

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 15.04.2019
CORAM
THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.Nos.11321, 11326 & 11331 of 2019

P.Arockia Mary
... Petitioner in W.P.No.11321 of 2019
K.Pavithran
... Petitioner in W.P.No.11326 of 2019
T.Marimuthu
... Petitioner in W.P.No.11331 of 2019

Vs.

1.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai - 600 003.
... 1st Respondents in all Writ Petitions

2.The Chairperson /
Zonal Executive Engineer Zone No.5,
(The Township Vending Committee),
Corporation of Chennai,
Basin Bridge Road,
Chennai - 600 021. ... 2nd respondent in
W.P.Nos.11321 & 11326 of 2019

2.The Chairperson /
Zonal Executive Engineer Zone No.9,
(The Township Vending Committee),
Corporation of Chennai,
Chennai - 600 034. ... 2nd respondent in
W.P.Nos.11331 of 2019

Prayer in W.P.No.11321 of 2019:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for issuance of Writ of Mandamus, directing the respondents to consider and pass orders on the petitioners' representation dated 07.03.2019 as per the provisions of the Street Vendors (Protection of Livelihood Regulation) Act, 2014 made for grant permission / Certificate of Vending and till such time not to disturb with the running of the petitioners' bunk shop at No.13, Vepery High Street, Gateside of St. Joseph Church (Barracks Road), Chennai-600 007, wherein running tea, coffee, snacks, juice and food items therein.

Prayer in W.P.No.11326 of 2019:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for issuance of Writ of Mandamus, forbearing the respondents their officials, servants from interfering with the running of the petitioner's bunk shop opposite to CMWSS Board Office, opposite to Croma Shop, Near Anna Salai, Mosque Corner, Dams Road, Chennai - 600 002, wherein selling tea, coffee and food items till his application dated 08.03.2019 for grant of Certificate of Vending is decided by the second respondent.

Prayer in W.P.No.11331 of 2019:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for issuance of Writ of Mandamus, directing the respondents to consider and pass orders on the petitioner's representation dated 27.02.2019 as per the provisions of the Street Vendors (Protection of Livelihood Regulation) Act, 2014 made for grant permission / Certificate of Vending and till such time not to disturb with the running of the petitioners' bunk shop at opposite to Door No.169, Habibullah Road, near Post Office Buildings, T.Nagar, Chennai, 600 017, wherein selling tea, coffee, snacks and other food items therein.

For Petitioner in
all Writ Petitions : Mr.R.Kamaraj

For Respondents in
all Writ Petitions : Mrs.Karthikaa Ashok
Standing Counsel for R-1

Mr.Saravanan for R-2

*****सत्यमेव जयते
C O M M O N O R D E R

Mrs.Karthikaa Ashok, learned Standing Counsel for the first respondent takes notice for the first respondent; Mr.Saravanan, learned Standing Counsel takes notice for the second respondent. By consent, these Writ Petitions are taken up for final disposal.

2. The prayer in these Writ Petitions is for issuance of Writ of Mandamus, directing the second respondent to dispose of the petitioners' representation dated 07.03.2019, 08.03.2019 & 27.02.2019 respectively, and till such time, forbear the first

respondent from in any manner interfering with the petitioners' bunk shop.

3. The learned counsel for the petitioners would submit that the petitioners would be satisfied, if a direction is given to the respondents to consider the representation of the petitioners.

4. The learned Standing Counsel appearing for the first respondent-Corporation would submit that as per the Rules, the first respondent-Corporation has conducted enumeration process, but, the petitioners' name have not been found in the said enumeration process and therefore, the petitioners can put up their shops only if their names are found in the enumeration process.

5. The learned Standing Counsel appearing for the second respondent would submit that the second respondent will also take note of the above fact, while considering the petitioners' representation dated 07.03.2019, 08.03.2019 & 27.02.2019 respectively.

6. In the light of the submissions made by the learned counsel on either side and also considering the limited scope of prayer sought for in this writ petition, this Court, without going into merits of the case, directs the second respondent to consider the representation of the petitioners dated 07.03.2019, 08.03.2019 & 27.02.2019 respectively, on merits and in accordance with law, by taking note of the objection made by the first respondent-Corporation, as early as possible, preferably, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, these writ petitions are disposed of. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

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.

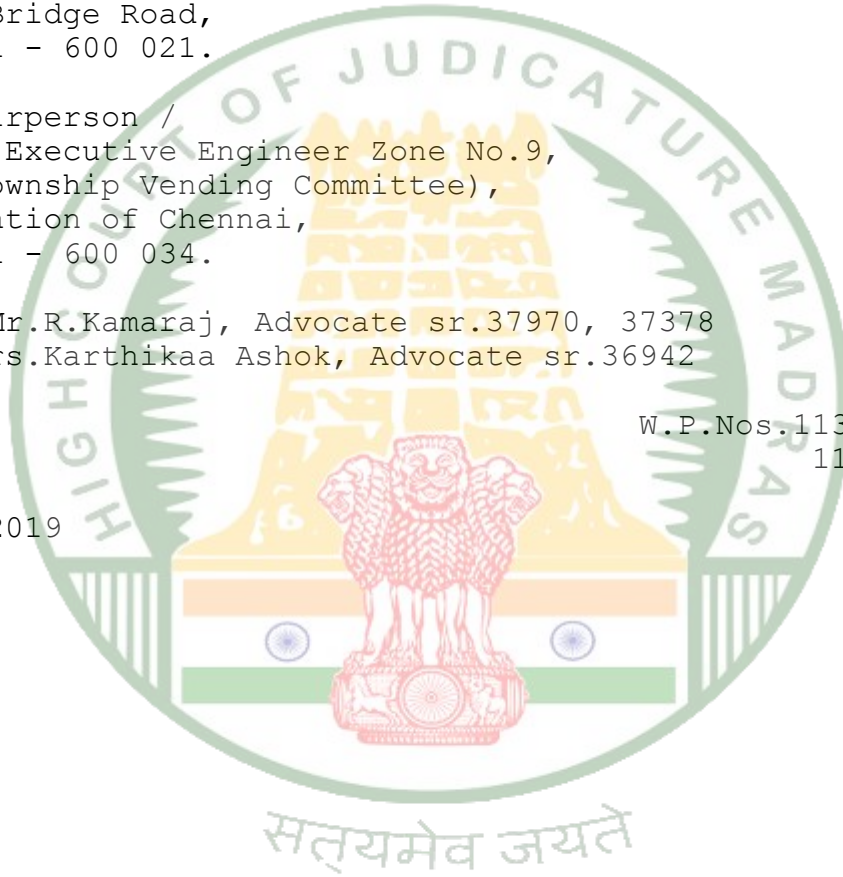
3.The Chairperson /
Zonal Executive Engineer Zone No.9,
(The Township Vending Committee),
Corporation of Chennai,
Chennai - 600 034.

+2ccs to Mr.R.Kamaraj, Advocate sr.37970, 37378

+1cc to Mrs.Karthikaa Ashok, Advocate sr.36942

W.P.Nos.11321, 11326 &
11331 of 2019

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