

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2019

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THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.13820 of 2019

V.Tamil Selvan

...Petitioner

Vs.

1.The Commissioner
The Commissioner Greater of Chennai Corporation
Rippon Building, Chennai

2.The Commissioner
The Office of Welfare of Disabled Person
Lady Wellington College Campus, Chennai

... Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, to direct the 1st respondent to consider the representation of the petitioner submitted on 25.02.2019 in relation to continue to run the bunk shop uninterruptedly near Guindy Railway Station, Chennai after considering the 90% disability of the petitioner.

For Petitioner : Ms.B.Sujatha

For Respondents : Ms.Kaarthikka Ashok

ORDER

By consent the Writ Petition itself is taken up for final disposal.

2.The petitioner has filed this Writ Petition seeking issuance

of Writ of Mandamus, directing the 1st respondent to consider the representation of the petitioner submitted on 25.02.2019 in relation to continue to run the bunk shop uninterruptedly near Guindy Railway Station, Chennai after considering the 90% disability of the petitioner.

3.The learned counsel for the petitioner would submit that the petitioner is running a bunk shop for the past five years without interruption to any one near Bharathi Nagar, Guindy Railway Station, Chennai 600 032 to sell coffee, tea and eatable items to look after his family, while so, the Joint Engineer from the 1st respondent started to harass the petitioner and threaten him to vacate the said shop immediately. The continuous harassment of the officers of the 1st respondent is interrupting the peaceful running of petitioner's shop, which affects the livelihood of the petitioner.

4.The learned counsel for the petitioner would further submit that the petitioner has also made a representation dated 25.02.2019, to the 1st respondent seeking permission to sell snacks items without any interruption and the same is kept pending without any action till date.

5.The learned counsel for the petitioner would further submit

that the Central Government has enacted "The Street Vendors (Protection of Livelihood Regulation) Act, 2014" safeguarding the "Street Vendors" by regulating their business. By the above Act, the State Government has to form a Township Vending Committee and take steps to regulate Street Vending and still such time the business of the street vendors shall not be interfered. Since the State Government and the local body have not taken any steps to regulate the street vending, the officials of the 1st respondents are trying to interfere with the petitioner's business of running bunk shop in the above mentioned place. The 1st respondent has either permitted the petitioner to run the bunk or rejected his representation and the Officials of the Corporation are frequently interfering with the business of the petitioner. Hence, prays for appropriate relief.

6.The learned counsel appearing on behalf of the respondents concedes the request made by the petitioner and would submit that as per the direction of this Court, the list of the street vendors had already been enumerated and sent to the Committee for appropriate orders. The learned counsel would further submit on instructions that as per Section 7 of the Street Vendors (Protection of Livelihood

M.DHANDAPANI, J.
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Regulation) Act, 2014, the destitute widows and disabled persons are only enumerated under the priority list. The petitioner's representation would be considered by the Committee as per the enumerated list.

7.Considering the above submissions made by the learned counsel for the respondents, this Court is inclined to direct the petitioner to make a fresh representation stating his 90% disability to enable the Committee to give priority to the petitioner. The 1st respondent is hereby directed to consider the representation if so made by the petitioner to give him priority to enable him to run the bunk shop without any further hindrance on merits and in accordance with law as expeditiously as possible.

8.The writ petition is disposed of accordingly. No costs.

04.06.2019

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1.The Commissioner, Greater Chennai Corporation
Rippon Building, Chennai

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W.P.No.13820 of 2019