

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.13734 of 2019
and
W.M.P.No.13809 of 2019

E.Loganathan

...Petitioner

Vs.

1.The Commissioner
Corporation of Chennai
Ribbon Buildings
Chennai 600 003

2.The Chairperson
Zonal Executive Engineer Zone No.9
(The Township Vending Committee)
Corporation of Chennai
Chennai 600 034

... Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents to consider and pass orders on the petitioner's representation dated 26.04.2019 as per the provisions of the Street Vendors (Protection of Livelihood Regulation) Act, 2014 made for conducting enumeration process for issuing Street Vending I.D. Card and for granting Certificate of Vending and till such time not to disturb with the running of the petitioner's bunk shop at Nandhanam exchange, 10th street, Opposite to Venkateshwara Hospital, Nandanam, Chennai 600 035, wherein selling tea, coffee, snacks and food items therein.

For Petitioner : Mr.R.Kamaraj
For Respondents : Mrs.K.Bhuvaneswari
AGP

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 respondents to consider and pass orders on the petitioner's representation dated 26.04.2019 as per the provisions of the Street Vendors (Protection of Livelihood Regulation) Act, 2014 made for conducting enumeration process for issuing Street Vending I.D. Card and for granting Certificate of Vending and till such time not to disturb with the running of the petitioner's bunk shop at Nandhanam exchange, 10th street, Opposite to Venkateshwara Hospital, Nandanam, Chennai 600 035, wherein selling tea, coffee, snacks and food items therein.

3.The learned counsel for the petitioner would submit that the petitioner is running a bunk shop at Nandhanam Exchange, 10th Street, Opposite to Venkateshwara Hospital, Nandanam, Chennai 600 035, wherein, he is selling tea, coffee, snacks and food items.

4.The learned counsel for the petitioner would further submit that the petitioner has also made a representation dated 26.04.2019, to the Chairperson / Zonal Executive Engineer Zone No.9, The Township Vending Committee, Corporation of Chennai, seeking permission to sell snacks items 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 2nd respondents are trying to interfere with the petitioner's business of running bunk shop in the above mentioned place. The petitioner made several representations to the respondents but till date the respondents have not taken any decision. They have 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 Additional Government Pleader 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. It is pertinent to note that the petitioner is not in the enumerated list sent to the Committee accordingly he is not entitled for any priority claim.

7.The learned Additional Government Pleader would further submit on instructions that as per Section 7 of the Street Vendors (Protection of Livelihood Regulation) Act, 2014, the destitute widows and physically challenged persons are only enumerated under the priority list. The petitioner's representation would be considered by the Committee only after considering the priority list.

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8.Considering the above submissions made by the learned Additional Government Pleader, this Court is inclined to direct the 2nd respondent to pass appropriate orders on merits and in accordance

with law as early as possible based on the representation dated 26.04.2019, said to have been made by the petitioner.

9.The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

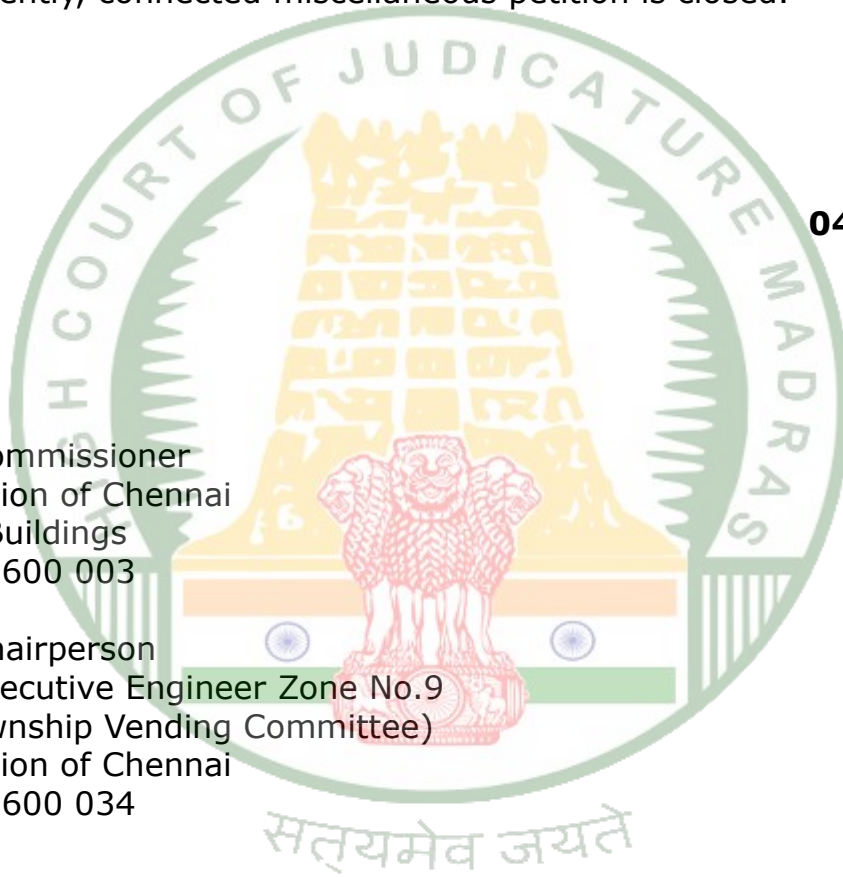
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To.

1.The Commissioner
Corporation of Chennai
Ribbon Buildings
Chennai 600 003

2.The Chairperson
Zonal Executive Engineer Zone No.9
(The Township Vending Committee)
Corporation of Chennai
Chennai 600 034

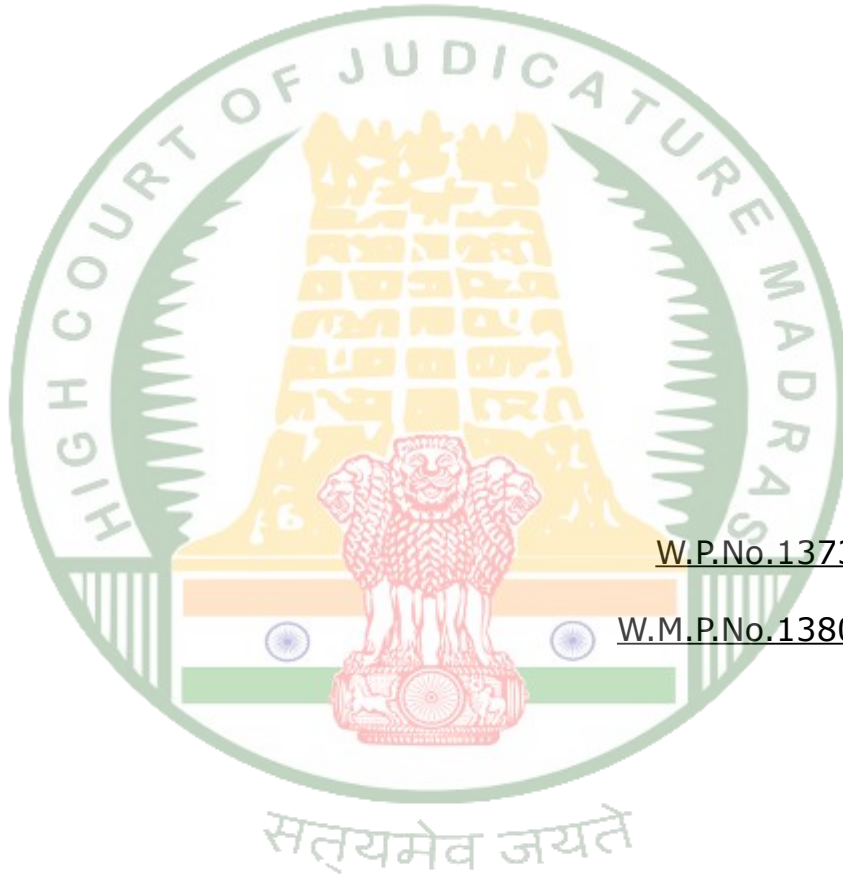
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M.DHANDAPANI, J.

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The matter is not listed today, however, it is taken up under the caption 'for being mentioned' at the instance of the learned counsel for the respondents.

2. The learned counsel for the respondents has brought to the notice of this Court that the name of the respondents counsel has to be corrected as Mrs.Karthika Ashok instead of Mrs.K.Bhuvaneswari, Additional Government Pleader in the order passed in W.P.No.13734 of 2019 dated 04.06.2019.

3. Accepting the submissions of the learned counsel for the respondents, Registry is directed to correct the name of the respondents counsel in the order dated 04.06.2019 in W.P.No.13734 of 2019 as Mrs.Karthika Ashok.

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10.07.2019

kmm

Note: Registry is directed to make necessary corrections and issue a fresh order copy today (i.e 10.07.2019).