

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.07.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.19547 of 2019

R.Nagajothi

.. Petitioner

/versus/

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

2.The Chairperson/
Zonal Executive Engineer Zone No.8,
(The Township Vending Committee)
Corporation of Chennai,
Chennai 600 030.

.. Respondents

Prayer: Writ Petitions are 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 13.06.2019 as per the provisions of the Street Vendors(Protection of Livelihood Regulation) Act, 2014 made for granting Certificate of Vending and till such time not to disturb with the running of the petitioner's bunk near Chetpet Police Booth, outside of Chennai Corporation Playground, Mayor Ramanathan Salai, Chetpet, Chennai 600 031, wherein selling Tea, coffee, snacks and food items therein.

For petitioner : Mr.R.Kamaraaj

For Respondents : Ms.Karthika Ashok, St.C.

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O R D E R

Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.

2. According to the petitioner, he is running a small moving bunk shop near Chetpet Police Booth, outside of Chennai Corporation playground, Mayor Ramanathan Salai, Chetpet, Chennai-31. For the past several years he was selling tea,

coffee, snacks and food items. His livelihood depends on this shop. Under the Street Vendors(Protection of Livelihood Regulation) Act, 2014, his right to carry on business as a street vendors, is protected. Since the officials of the respondent frequently threaten the petitioner to remove the shop, he has applied for granting certificate of vending to the second respondent/Town Vending committee. His representation dated 13.06.2019 not yet been considered by the respondent so far. Hence, he seeks Mandamus directing the second respondent to consider his representation dated 13.06.2019 as per the provisions of the Street Vendors(Protection of Livelihood Regulation) Act, 2014.

3. The learned Standing counsel for the Corporation would submit that the petitioner herein has put up a shop without permission in the above said place and has sought for permission/certificate of vending. Whereas, as per the Street Vendors(Protection of Livelihood Regulation) Act, 2014, the Town Vending Committee has been constituted to enumerate and allot shops to the existing street vendors. The place where the street vendors can be permitted, has been identified. Based on that, the Town Vending Committee in its regular meeting has to decide the pending application. Whereas, the present petitioner is concerned, he has put up a shop without any permission in the said place recently. His application cannot be considered as per the Act.

4. Further, the learned Standing counsel for the Corporation would submit that enumeration process is to be conducted once in every 5 years. The previous enumeration was in the year 2016-17. Those street vendors who were carrying business at that point of time, had already given identity card and their request for resettlement is considered by the Town Vending Committee periodically. Besides application from disabled persons, destitutes and other special category persons are also taken up for consideration during the meeting. As far as this petitioner is concerned, he has unauthorizedly put up the shop and causing disturbance to the public and free flow of traffic. His request for permitting him to carry on the vending activities in the said place cannot be entertained.

5. In the light of the above submissions, it appears that the petitioner was not found in the list of enumeration done by the Town Vending Committee in the year 2016-17. He has newly put up the present shop and had sought for permission/certificate of vending under the Street Vendors(Protection of Livelihood Regulation) Act, 2014. This request is not in consonance to the above Act. Therefore, the request of the petitioner to direct the respondents herein to consider his representation cannot be entertained by way of the writ petition.

6. Hence, this writ petition is dismissed. No costs.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

rpl

To

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

2.The Chairperson/
Zonal Executive Engineer Zone No.8,
(The Township Vending Committee)
Corporation of Chennai,
Chennai 600 030.

+1cc to Mr.R.Kamaraj, Advocate SR.No.60825

+1cc to Ms.Karthika Ashok, Advocate SR.No.60659

W.P.No.19547 of 2019

GMV (19/08/2019)

सत्यमेव जयते
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