

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:12.11.2019

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Writ Petition No.31730 of 2019

M.Syed Abuthayir

.. Petitioner

/versus/

1.The Chairperson/Zonal Commissioner/
Zonal Executive Engineer/Officer,
Zone-7,
Town Vending Committee,
Greater Corporation of Chennai,
Ambattur, Chennai 600 053.

2.The Commissioner,
Greater Corporation of Chennai,
Chennai 600 003.

3.The State Commissioner of the Differently
abled person,
Commissionerate of Welfare of differently
abled person,
No.5, Kamarajar Salai,
Lady Wellington College Campus,
Chennai 600 005.

4.The Additional Secretary to Government,
Office of the Welfare of Differently abled person,
Secretariat, Chennai 600 009.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider the representation of petitioner dated 27.08.2019 and consequently allocate a bunk shop at near "Tata Communications" wall compound adjacent opposite to red hills

main road SH205, zone 7 Ward 82 No.18, Corporation of Chennai, Ambattur.

For Petitioner :Mr.Arul Muruganandham, N.K.

For Respondents:Mrs.Kartika Ashok,
Standing counsel for R1 & R2

Mr.S.N.Parthasarthy, GA
for R3 & R4

ORDER

This writ petition has been filed praying to issue a Writ of Mandamus directing the respondents to consider the representation of the petitioner dated 27.08.2019 and consequently allocate a bunk shop at near "Tata Communications" wall compound adjacent opposite to Red Hills Main Road SH205, Zone 7, Ward 82, Part No.18, Corporation of Chennai, Ambattur.

2.Heard Mr.N.K.Arul Muruganandham, learned counsel appearing for the petitioner and Mrs.Kartika Ashok, learned Standing Counsel, who takes notice on behalf of respondents 1 and 2 and Mr.S.N.Parthasarathy, learned Government Advocate, who takes notice on behalf of respondents 3 and 4. Petition is perused.

3. The petitioner herein claiming to be a person with

disabled wants permission to put up a bunk shop near Tata Communications compound wall, opposite to Red Hills Main Road SH205, Zone 7, Ward 82, Part No.18, Corporation of Chennai, Ambattur. Such a request cannot be granted in view of the Street Vending Act, 2014 that the Vendors cannot establish their shops wherever they like in the private premises or places abetting the public property.

4. If the petitioner herein intends to establish a bunk shop, he has to make appropriate application to the Town Vending Committee. On such application, the Vending Committee shall scrutinise the same and allocate a shop based on the seniority and priority.

5. Hence, the petitioner herein is directed to submit a proper application to the Town Vending Committee constituted by the Corporation of Chennai. On such application, the Town Vending committee shall consider the application of the petitioner, subject to his seniority and eligibility under the person with disabled category.

6.With the above directions, the writ petition is disposed
of. No costs.

12.11.2019

Index:yes/no
speaking order/non speaking order
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To:

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Ambattur, Chennai 600 053.

2.The Commissioner,
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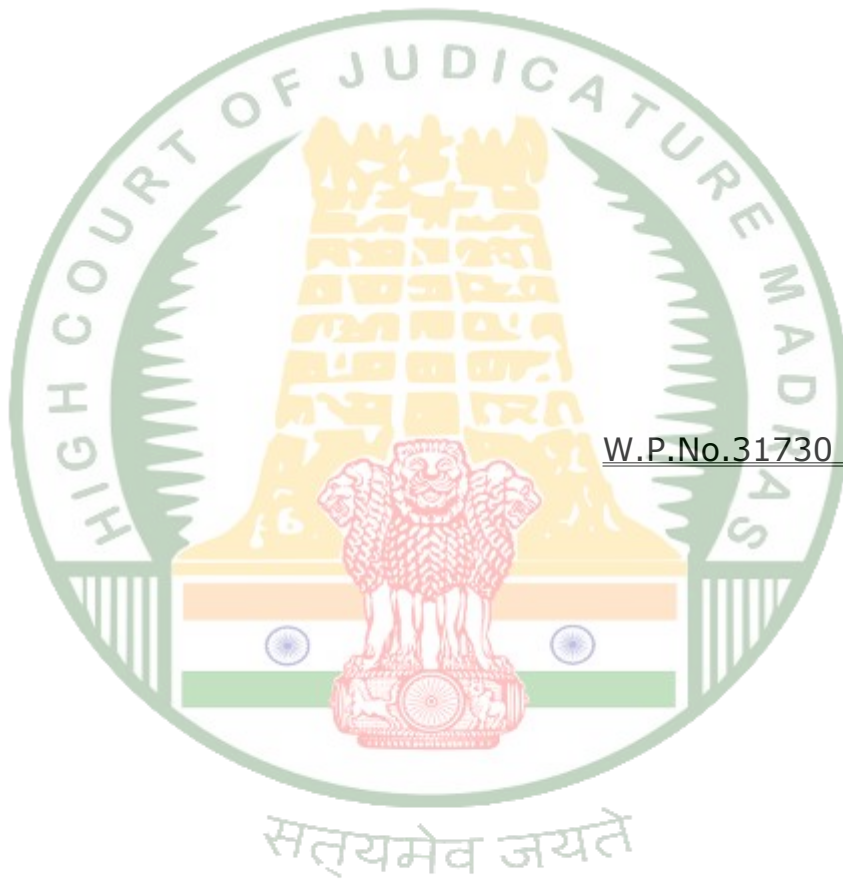
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Dr.G.JAYACHANDRAN,J.

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