

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.7202 of 2020

and WMP.No.8603 of 2020

S. Balaji

... Petitioner

vs.

1. The Commissioner,
Greater Chennai Corporation,
Rippon Building, Chennai - 600 003.
2. The Zonal Officer,
Zone - V, Greater Chennai Corporation,
No.61, Basin Bridge Road,
Chennai - 600 001.
3. The Chairperson,
Town Vending Committee for bunk shops,
Zone-V, Division-61, Ward-14,
Greater Chennai Corporation,
Rippon Building, Chennai - 600 003. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 3rd respondent to dispose the petitioner's appeal dated 20.12.2019 in accordance with Street Vendors Act 2014 and Rules made thereunder, and till such time not to forcible evict the petitioner's bunk shop at No.4/149, Monteith Road, Egmore, Chennai - 600 008.

For Petitioner : Mr.T. Arun Kumar

For Respondents : Mrs. Karthika Ashok
Standing Counsel [R1 & R2]

ORDER

This writ petition has been filed for issuance of a writ of mandamus directing the 3rd respondent to dispose of the appeal filed by the petitioner dated 20.12.2019 in accordance with the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (Central Act 7 of 2014).

2. The case of the petitioner is that he was running a bunk shop near Monteith Road at Egmore. On an earlier occasion, the petitioner was sought to be evicted and therefore the petitioner filed W.P.No.25860 of 2013 and the same was dealt along with other connected writ petitions. This Court disposed of all the writ petitions with a direction to constitute a Vending Committee for street vendors.

3. The 2nd respondent thereafter issued orders on 12.11.2019 and the same was put to challenge before this Court in W.P.No.33841 of 2010. In view of an alternate remedy available under the Tamil Nadu Street Vendors (Protection of Livelihood and Regulation of Street Vendors) Rules, 2015, the petitioner had withdrawn the said writ petition and the petitioner thereafter filed an appeal under Rule 6 of the Tamil Nadu Street Vendors (Protection of Livelihood and Regulation of Street Vendors) Rules, 2015 before the 3rd respondent. The petitioner has now approached this Court seeking for a direction to the 3rd respondent to consider the appeal filed by the petitioner and pass orders within a time fixed by this Court.

4. The learned counsel appearing on behalf of the respondent Corporation, submitted that already an alternative place has been suggested and in spite of the same, the petitioner without locating the shop in the alternative place has insisted to continue in the same place. The learned counsel in order to substantiate her submissions, brought the notice of this Court the letter issued by the Zonal Officer of Zone -V dated 12.11.2019 and the learned counsel submitted that the petitioner was given time to shift his shop to any of the other alternative places, which was suggested in the said letter.

5. In reply to the said submission, the learned counsel for the petitioner submitted that the petitioner is 70% disabled and he has been running the shop for a long period of time. The learned counsel further submitted that even if an alternative place is suggested, the same has to be in and around the place, where the petitioner was already conducting the business and the petitioner cannot be sent to a distant place, which will virtually affect the business of the petitioner. The learned counsel submitted that it is only for this purpose an appeal was filed before the 3rd respondent and the same is being kept pending.

6. This Court has carefully considered the submissions made on either side.

7. Taking into consideration the facts and circumstances of the case, there shall be a direction to the 3rd respondent to consider the representation/appeal made by the petitioner on 20.12.2019 and pass appropriate orders within a period of six (6) weeks from the date of receipt of copy of this order.

The petitioner is directed to make a fresh representation to the 3rd respondent along with a copy of the earlier representation/ appeal on 20.12.2019 and a copy of this order. Till final orders are passed by the 3rd respondent, status quo shall be maintained.

This writ petition is disposed of with the above direction. No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1. The Chairperson,
Town Vending Committee for bunk shops,
Zone-V, Division-61, Ward-14,
Greater Chennai Corporation,
Rippon Building, Chennai - 600 003.

+1 cc to M/s.T.Arunkumar, Advocate,sr.24419

+1 cc to M/s.Karthikaa Ashok, Advocate,sr.24428.

Kj(co)
krd 2/9

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