

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2020

CORAM

THE HON'BLE MR.JUSTICE V.PARTHIBAN
AND
THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

W.P.NO.15371 of 2020
and W.M.P.No.19226 of 2020

P.Muniyan
S/o.Perumal
Running bunk Shop
Near Hotel Vijaya Park left Side,
Backside to Eesaniya Kolam
Opposite to P.U.S Nagar,
Polur Road,
Tiruvannamalai - 606 601.Petitioner

Vs

The Commissioner
Tiruvannamalai Municipality,
Saroon Nagar,
Thirukovilur Road,
Tiruvannamalai - 606 601Respondent

For Petitioner : Mr.L.Chandrakumar
For Respondent : Mr.L.P.Maurya

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, Direction in the nature of writ forbearing the Respondent its officials, servants from interfering with the running of the petitioner's bunk shop near Hotel Vijaya Park left side, backside to Eesaniya Kolam, Opposite to P.U.S.Nagar, Polur Road, Tiruvannamalai 606 601, wherein selling Tea, Coffee, Tiffen and fast food items till the Petitioner's representation dated 05.10.2020 is considered and decided as per the provisions of the Street Vendors (Protection of Livelihood Regulation) Act, 2014 by the Respondent.

ORDER

(Order of the Court was made by V.PARTHIBAN, J.)

The matter is taken up through web hearing.

2. The case of the petitioner is that he is running a small bunk shop in Polur Road, Tiruvannamalai selling refreshments. According to him, he has been managing the family out of the

slender income generated from the sale of refreshments through the bunk shop.

3. The grievance of the petitioner is that the officials of the respondent Municipality have been on and off threatening the petitioner that his shop would be removed stating that the petitioner has not been an approved street vendor by the Township Vending Committee. In this regard, the petitioner appears to have submitted a representation dated 05.10.2020. Fearing threat of being removed unjustly and unlawfully, the petitioner is before this Court with the aforesaid prayer.

4. Mr.L.Chandrakumar, learned counsel for the petitioner would submit that a Division Bench of this Court in W.P.Nos.12422, 12423 & 12426 of 2020 has recently passed an order on 14.09.2020, directing the respondent therein to consider similar representations of the petitioners therein and also directing to afford an opportunity of personal hearing and thereafter to pass orders. The Division Bench directions contained in Para 3 and 4 are extracted hereunder.

"3. Learned counsel for the petitioners submits that it would be suffice if a direction is issued to the respondent to consider the petitioner's representations dated 21.08.2020, 21.08.2020 and 25.08.2020.

4. Considering the said submission, without going into the merits of the case, the respondent is directed to consider the petitioner's representations dated 21.08.2020, 21.08.2020 and 25.08.2020 and pass appropriate orders on merits and in accordance with law within a period of two weeks from the date of receipt of a copy of this order after affording an opportunity of personal hearing to the petitioners."

5. Mr.L.Chandra Kumar, learned counsel for the petitioner would submit that since the Township Vending Committee has not been constituted, the petitioner is unable to apply for regulating his petty business. In fact, a batch of writ petitions in W.P.No.18677 of 2014 etc., was referred to in the affidavit, wherein this Court has held that till the constitution of the Township Vending Committee, there shall be no threat with regard to the running of the bunk shops. However, the order in regard to the referred writ petition has not been enclosed in the typed set of documents for persual of this Court.

6.Mr.L.P.Maurya, learned Standing Counsel takes notice for the respondents and he would in fact object to grant any relief to the petitioner.

7. However, this Court in consideration of the limited scope of the prayer as sought in this writ petition, for which the learned counsel for the respondents would have no legitimate objection, the writ petition itself is disposed of at the admission stage itself with a direction as under.

8. The respondent is directed to consider the representation of the petitioner dated 05.10.2020 on merits and in accordance with law with reference to the provisions of the Street Vendors (Protection and Livelihood Regulation) Act, 2014, within a period of four weeks from the date of receipt of a copy of this order. Till a final order is passed, in response to the representation of the petitioner, no coercive action shall be taken against the petitioner by the respondent Municipality.

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

Sd/-

Assistant Registrar(VO)

//True Copy//

Sub Assistant Registrar

kst/pns

To

The Commissioner
Tiruvannamalai Municipality,
Saroon Nagar,
Thirukovilur Road,
Tiruvannamalai - 606 601

W.P.No.15371 of 2020

RLD(CO)
KKV/28/10/2020

WEB COPY