

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.8108 of 2019

P.K.Mahalingam

... Petitioner

Vs

1. State, Rep.by its Secretary to Government,
Government of Tamil Nadu,
Local Administration Department,
Fort St.George, Secretariat,
Chennai - 600 009.
2. The Commissioner for Differently Abled,
Commissionerate for the Welfare of Differently Abled,
No.5, Kamarajar Salai,
Lady Willingdon College Campus,
Chennai - 600 005.
3. The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai - 600 003.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 09.10.2018 and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.T.Muthukrishnan
For R1 & 2 : Mr.J.Ramesh, AGP
For R3 : Mrs.Karthikaa Ashok

O R D E R

Heard both sides and perused the materials available on record.

2.According to the petitioner, he submitted a representation dated 09.10.2018 to the respondents 2 and 3, requesting to allot

a Bunk Shop taking note of the locomotor disability sustained by him at 70%, which was forwarded by the second respondent to the third respondent by letter in Na.Ka.No.9411/Na Thi-No.3(2)/2018 dated 27.11.2018. However, no steps have been taken by the third respondent, till date. Therefore, the petitioner has come up with the present Writ Petition seeking a direction to the respondents to consider the said representation, within a time frame to be stipulated by this Court.

3.Upon notice, the third respondent filed a detailed counter affidavit, wherein, in paragraph 5, it is stated as follows:

"5.It is submitted that G.O.for constitution of Town Vending Committee as per the Street Vendors Act, 2014, came into effect on 05.10.2016 vide G.O.(4D) No.5, MAWS Department and as per Section 3 of the Act, the Street Vendors in the Zone were enumerated and the decision with regard to the Vending and non -Vending Zones are under consideration. The petitioner's claim for permission to have a shop at a particular place cannot be considered and the existing/enumerated Vendors right will prevail over the petitioner. Hence, the representation of petitioner seeking permission to erect the Bunk shop at his choice of place is not justifiable. However, the possibility of permitting the petitioner to have a shop in the Vending Zone has to be decided by the Town Vending Committee."

4.In the light of the specific averment as stated above, in the counter affidavit filed by the third respondent, this Court is of the opinion that the remedy available to the petitioner is before the Town Vending Committee.

5.In such view of the matter, the Petitioner is granted liberty to file a fresh representation to the Vending Committee within a period of two (2) weeks from the date of receipt of a copy of this order. On filing such representation, the Vending Committee shall consider the same and pass appropriate orders, on merits and in accordance with law within a period of six (6) weeks thereafter.

6.Accordingly, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

AV

To

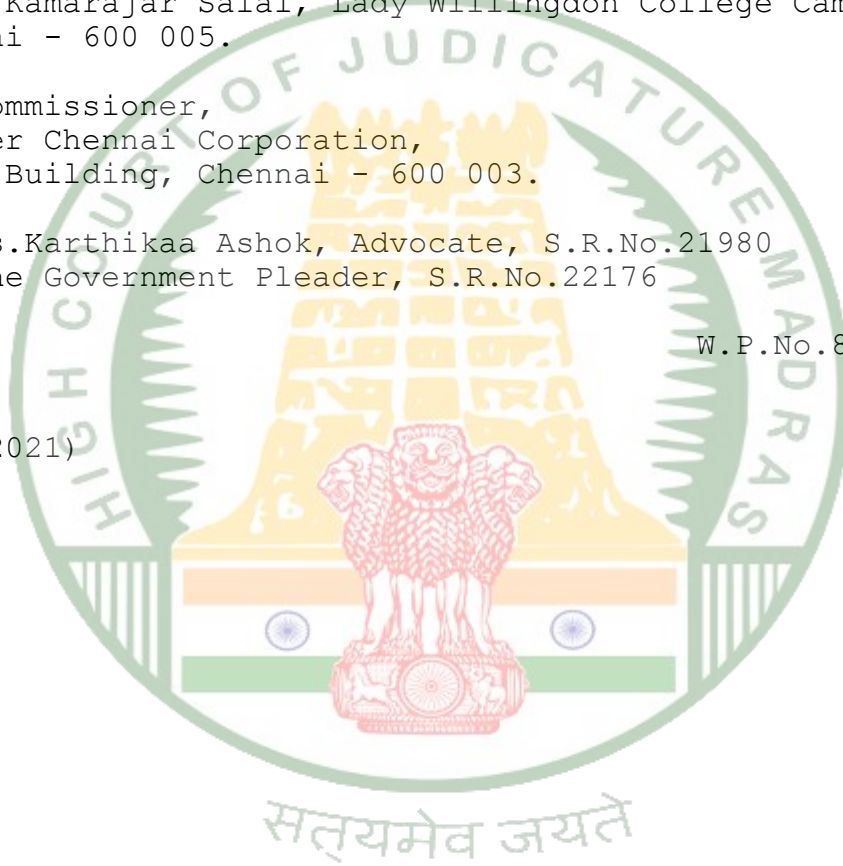
1. The Secretary to Government,
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+1cc to Ms.Karthikaa Ashok, Advocate, S.R.No.21980

+1cc to the Government Pleader, S.R.No.22176

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