

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2021

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.Nos.11285, 11289 and 11290 of 2021

Mathankumar ...Petitioner in W.P.No.11285 of 2021
Siva ...Petitioner in W.P.No.11289 of 2021
V.Prabu ...Petitioner in W.P.No.11290 of 2021

-Vs-

The Chairperson /
Zonal Executive Engineer (Zone No.6)
(The Township Vending Committee)
Corporation of Chennai,
Chennai - 600 011 ...Respondent in both W.P.Nos.11285
and 11289 of 2021

The Chairperson /
Zonal Executive Engineer (Zone No.1)
(The Township Vending Committee)
Corporation of Chennai,
Thiruvottiyur
Chennai - 600 019 ...Respondent in W.P.No.11290 of 2021

Prayer in W.P.No.11285 of 2021 : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent to consider and pass orders on the petitioner's representation, dated 11.11.2020 as per the provision of the Street Vendors (Protection of Livelihood Regulation) Act, 2014 and till such time not to disturb with the running of the petitioner's bunk shop at ESI Staff Quarters, Near Hospital Entrance, Perambur High Road (Jamalia), Perambur, Chennai - 600 012, wherein he is selling tea, coffee, snacks, tiffen and other food.

Prayer in W.P.No.11289 of 2021 : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent to consider and pass orders on the petitioner's representation, dated 16.11.2020 as per the provision of the Street Vendors (Protection of Livelihood Regulation) Act, 2014 and till such time not to disturb with the running of the petitioner's bunk shop at Near Vadamalai Maistry Street, Corner of Perambur Barracks Road Junction, Perambur, Chennai - 600 012, wherein he is selling tea, coffee, snacks and other food items.

Prayer in W.P.No.11290 of 2021 : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent to consider and pass orders on the petitioner's representation, dated 12.11.2020 as per the provision of the Street Vendors (Protection of Livelihood Regulation) Act, 2014 and till such time not to disturb with the running of the petitioner's bunk shop at Near Container Transit Terminal, Ennore High Road, Thiruvottiyur, Chennai - 600 019, wherein he is selling tea, coffee, snacks and other food items.

For Petitioners : Mr.L.Chandrakumar

For Respondent : Ms.P.T.Ramadevi
Standing Counsel

O R D E R

The prayer sought for in W.P.No.11285 of 2021 is for a writ of mandamus, directing the respondent to consider and pass orders on the petitioner's representation, dated 11.11.2020 as per the provision of the Street Vendors (Protection of Livelihood Regulation) Act, 2014 and till such time not to disturb with the running of the petitioner's bunk shop at ESI Staff Quarters, Near Hospital Entrance, Perambur High Road (Jamalia), Perambur, Chennai - 600 012, wherein he has been selling tea, coffee, snacks, tiffen and other food.

2. The prayer sought for in W.P.No.11289 of 2021 is for a writ of mandamus directing the respondent to consider and pass orders on the petitioner's representation, dated 16.11.2020 as per the provision of the Street Vendors (Protection of Livelihood Regulation) Act, 2014 and till such time not to disturb with the running of the petitioner's bunk shop at Near Vadamalai Maistry Street, Corner of Perambur Barracks Road Junction, Perambur, Chennai - 600 012, wherein he has been selling tea, coffee, snacks and other food items.

3. The prayer sought for in W.P.No.11290 of 2021 is for a writ of mandamus directing the respondent to consider and pass orders on the petitioner's representation, dated 12.11.2020 as per the provision of the Street Vendors (Protection of Livelihood Regulation) Act, 2014 and till such time not to disturb with the running of the petitioner's bunk shop at Near Container Transit Terminal, Ennore High Road, Thiruvottiyur, Chennai - 600 019, wherein he has been selling tea, coffee, snacks and other food items.

4. The petitioners are street vendors covering under the provisions of Street Vendors (Protection of Livelihood Regulation) Act, 2014 and in this regard, pursuant to the earlier litigation, where orders have been passed, the grievance of these kind of street vendors have to be resolved by a committee constituted in this regard, called, "The Township Vending Committee".

5. In this context, it is the case of the petitioners that, the petitioners have been running a shop / bunk shop within the respondent corporation limit and in order to make the proper enumeration under the provisions of the Act and to extend the benefit of the provisions of the Act to the petitioners, the petitioners have given representations to the respondent committee on 11.11.2020, 16.11.2020 and 12.11.2020 respectively, however, the same since have not been considered so far and without considering the same and making the proper enumeration, if any decision, adversely taken against the petitioners, the very livelihood of the petitioners would be affected. Therefore in order to seek indulgence of this Court to give a direction by way of mandamus to the respondent committee, to consider and decide the said representations submitted by the petitioners and to pass orders thereon, on merits within a time frame, the petitioners have approached this Court by filing the present writ petition with the aforesaid prayer.

6. Heard, Mr.L.Chandrakumar, learned counsel appearing for the petitioners, who after having reiterated the aforesaid, would seek indulgence of this Court to give a suitable direction to the respondent.

7. Heard, Ms.P.T.Ramadevi, learned standing counsel appearing for the respondent, who would submit that, the representations of the petitioners, dated 11.11.2020, 16.11.2020 and 12.11.2020 would be considered by the respondent on merits and in accordance with law and accordingly, a decision would be taken and the same would be communicated by passing final order by the respondent within a time frame that may be stipulated by this Court.

8. Considering the said submission made by the learned counsel appearing for both sides and by taking note of the aforesaid and the documents filed in the typed set of papers in this regard in support of these writ petitions, this Court is inclined to dispose of these writ petitions with the following orders :

- (i) There shall be a direction to the respondent to consider the representation

of the petitioners, dated 11.11.2020, 16.11.2020 and 12.11.2020 respectively and decide the same on merits and in accordance with law, by giving an opportunity of being heard to the petitioners, within a period of eight weeks from the date of receipt of a copy of this order.

(ii) It is made clear that, this Court have not expressed any view on the merits of the claim made by the petitioners in the said representations and it is for the respondent, to consider the said representations as indicated above and take a decision accordingly.

9. With these directions, these writ petitions are disposed of. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

tsvn

To

1. The Chairperson /
Zonal Executive Engineer (Zone No.6)
(The Township Vending Committee)
Corporation of Chennai,
Chennai - 600 011.

2. The Chairperson /
Zonal Executive Engineer (Zone No.1)
(The Township Vending Committee)
Corporation of Chennai,
Thiruvottiyur, Chennai - 600 019.

+3 CC to Mr.L. Chandrakumar, Advocate sr 27109, 27110, 27111
+3 CCS to M/s.P.T. Ramadevi, Advocate sr 27130, 27128, 27129.

W.P.Nos.11285, 11289 and
11290 of 2021

RLD(CO)
SP(18/05/2021)