

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2021

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.11309 of 2021

P.M.Rajagopal

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Petitioner

-Vs-

1. The Commissioner
Corporation of Chennai,
Ribbon Buildings,
Chennai - 600 003.

2. The Chairperson /
Zonal Executive Engineer Zone,
Zone No.IX,
Teynampet,
(The Township Vending Committee)
Corporation of Chennai,
Chennai - 600 021.

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Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to consider and pass orders on the petitioner's representation, dated 05.03.2020 as per the provision of the Street Vendors (Protection of Livelihood Regulation) Act, 2014, made for granting permission / certificate of vending and till such time not to disturb with the running of the petitioner's bunk shop at Employee's Provident Fund Office Platform, No.37, Royapettah High Road, Royapettah, Chennai - 600 014, wherein selling tea, coffee, juice, cool drinks, chat and food tiffin items by using LPG Gas stove.

For Petitioner : Mr.R.Gopinath

For Respondents : Ms.P.T.Ramadevi

O R D E R

The prayer sought for herein is for a writ of mandamus, directing the respondents to consider and pass orders on the petitioner's representation, dated 05.03.2020 as per the provision of the Street Vendors (Protection of Livelihood Regulation) Act, 2014, made for granting permission / certificate of vending and till such time not to disturb with the running of the petitioner's bunk shop at Employee's Provident Fund Office Platform, No.37, Royapettah High Road, Royapettah, Chennai - 600 014, wherein he has been selling tea, coffee, juice, cool drinks, chat and food tiffin items by using LPG Gas stove.

2. The petitioner is street vendor 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 this kind of street vendor has to be resolved by a committee constituted in this regard, called, "The Township Vending Committee".

3. In this context, it is the case of the petitioner that, the petitioner has been running a shop / bunk shop within the respondents 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 petitioner, the petitioner has given representation to the respondents committee on 05.03.2020, however, the same since has not been considered so far and without considering the same and making the proper enumeration, if any decision, adversely taken against the petitioner, the very livelihood of the petitioner would be affected. Therefore in order to seek indulgence of this Court to give a direction by way of mandamus to the respondents committee, to consider and decide the said representation submitted by the petitioner and to pass orders thereon, on merits within a time frame, the petitioner has approached this Court by filing the present writ petition with the aforesaid prayer.

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

5. Heard, Ms.P.T.Ramadevi, learned standing counsel appearing for the respondents, who would submit that, the representation of the petitioner, dated 05.03.2020 would be considered by the respondents 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 respondents within a time frame that may be stipulated by this Court.

6. 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 this writ petition, this Court is inclined to dispose of this writ petition with the following orders :

- (i) There shall be a direction to the respondents to consider the representation of the petitioner, dated 05.03.2020 and decide the same on merits and in

accordance with law, by giving an opportunity of being heard to the petitioner, 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 petitioner in the said representation and it is for the respondents, to consider the said representation as indicated above and take a decision accordingly.

7. With these directions, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar
(Vacation Officer)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner
Corporation of Chennai,
Ribbon Buildings,
Chennai - 600 003.
2. The Chairperson /
Zonal Executive Engineer Zone,
Zone No.IX,
Teynampet,
(The Township Vending Committee)
Corporation of Chennai,
Chennai - 600 021.

+cc to Ms.P.T.Ramadevi, Advocate, Sr.27131
+cc to Mr.Gopinath, Advocate, Sr.27145

W.P.Nos.11309 of 2021

SR(CO)
baf 12/05/2021