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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2021

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THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. No. 23482 of 2021

and

WMP No. 24723 of 2021

Mr. Sakthivel

..Petitioner

Versus

1. The Commissioner
Greater Chennai Corporation
Rippon Building
Chennai 600 003
2. The Zonal Officer,
Zone V, Greater Chennai Corporation
Moolakothalam
Chennai 600 079.
3. The Assistant Executive Engineer,
Unit-XIV, Chintadripet,
Greater Chennai Corporation,
Chennai 600 002.
4. The Sub Inspector of Police
Flower Bazaar Police Station
Chennai 600 001.

..Respondents

Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the first respondent to grant license to the petitioner to run mobile cart at Waltax Road, by the side of Chennai Central, (Chennai Central Railway Station) Chennai 600 003, with reference to the representation dated 21.09.2021 and further forbear the fourth respondent from in any manner interfering with the running of business by using petitioner mobile cart at Waltax Road, by the side of Chennai Central, (Chennai Central Railway Station), Chennai 600 003.

For Petitioner : Mr.N. Beulah John Selvaraj

For Respondents : Mr. M.Ganesh for R1 to R3
Mr. A. Selvendran
Additional Government Pleader for R4



ORDER

The petitioner has come forward with this writ petition praying to issue a Writ of Mandamus directing the first respondent to grant license to him to run a mobile cart at Waltax Road, by the side of Chennai Central, (Chennai Central Railway Station) Chennai 600 003, on the basis of his representation dated 21.09.2021 and further forbear the fourth respondent from in any manner interfering with the running of business by using his mobile cart.

2. According to the petitioner, he is a physically disabled person belonging to a poor family. His disability is classified as Locomotor Disability. The Tamil Nadu Differently Abled Federation Charitable Trust, considering his poor situation, has given a Mobile Cart and he is utilising the same to sell tea, coffee, cookies etc., and allied foods. He is running such business at Waltax Road by the side of Chennai Central, Chennai-3 between 6.00 am to 9.00 am. His brother, who was provided with Street Vendors Identitty Card, is assisting the petitioner to run his business. Thus, the petitioner is eking out livelihood from and out of the income derived through such petty business. It is also stated that there is no disturbance or hindrance whatsoever to the public by reason of the business run by him by using the mobile cart. While so, the fourth respondent, who visited the business place of the petitioner, had forced him to remove the mobile cart.

3. It is the grievance of the petitioner that the petty trade is not only the source of income, but also the means of livelihood for him and his family. Therefore, bringing to the notice of the respondents 1 to 3 the coercive action taken by the fourth respondent to evict him, he has submitted a representation on 21.09.2021 seeking to issue certificate of vending so as to protect him from any such action of the fourth respondent or other authorities concerned. However, the respondents 1 to 3 did not consider his representation so far, which compelled the petitioner to approach this court with the present writ petition.

4. Heard both sides and perused the documents enclosed in the typed set of papers.

5. The relief sought for in this writ petition to direct the respondents 1 to 3 to consider the petitioner's representation seeking a certificate of vending, cannot be granted. However, having regard to the submissions made, liberty is granted to the petitioner to approach the Vending Committee constituted vide G.O.(4D)No.5, Municipal Administration and Water Supply (MCI) Department, dated 05.10.2016.



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6. Accordingly, this writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

msr/rsh

To

1. The Commissioner,
Greater Chennai Corporation,
Rippon Building, Chennai 600 003.
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+1cc to the Government Pleader, S.R.No.57158

WP No. 23482 of 2021

PVS(CO)
RGA(24/11/2021)