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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2021

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.26092 of 2021

A.Gnanasekar

... Petitioner

-Vs-

1.The Commissioner
The Corporation of Chennai
Rippon Building, Chennai 600 034.

2.The Chairperson
Zone IX Street, Vending Committee
The Corporation of Chennai
Chennai 600 034.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to consider the representation of the petitioner dated 03.09.2021 and consequently direct the 2nd respondent to issue license to continue to run bunk shop at Padmanabhan Street by the side of GRN Selva Square Apartment, Opp to Annai Illam, T.Nagar, Chennai 600 017 to the petitioner.

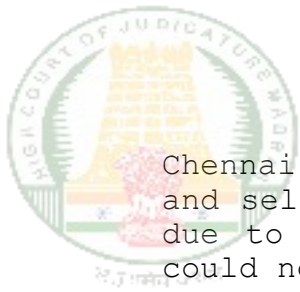
For Petitioner :Mr.G.Muthukumar

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

O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the respondents to consider the representation of the petitioner dated 03.09.2021 and consequently direct the 2nd respondent to issue license to continue to run bunk shop at Padmanabhan Street by the side of GRN Selva Square Apartment, Opp to Annai Illam, T.Nagar, Chennai 600 017 to the petitioner.

2. It is the claim of the petitioner that, the petitioner had been running a bunk shop at Padmanabhan Street, T.Nagar,



Chennai 600 017 for several years, where he had been collecting and selling old newspapers and other scrap materials. While so, due to the COVID-19 first wave as well as the second wave, he could not run the business and therefore it was closed.

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3. Learned counsel for the petitioner submits that, the petitioner now wants to revive the said business and in this regard, as per the provisions of the Tamil Nadu Street Vendors (Protection of Livelihood) Act, 2014, the street or road or zone of the town concerned, whether is permitted to have street vending has to be ascertained and in this regard, the power is vested with the Street Vending Committee constituted in this regard ie., the second respondent, to whom the petitioner has made an application on 03.09.2021 with a copy marked to the first respondent, Commissioner, Chennai Corporation, and therefore, the said application / representation submitted by the petitioner can be directed to be considered by the respondents especially the second respondent on merits and in accordance with law and to pass orders thereon within a time frame that may be stipulated by this Court and in that case, the petitioner would be satisfied.

4. Heard Ms.P.T.Ramadevi, learned Standing Counsel appearing for the respondent Corporation, who on instructions would submit that, as per the provisions of the Tamil Nadu Street Vendors (Protection of Livelihood) Act, 2014, Street Vending Committees in respect of every zone have been constituted and in respect of the present plea raised by the petitioner, since the petitioner claims that a representation dated 03.09.2021, apart from the first respondent Commissioner, has also been sent to the second respondent ie., the Chair Person of the Street Vending Committee concerned, certainly the representation of the petitioner would be placed in the next meeting and decision would be taken, and once the decision is taken, depending upon the outcome of the same, further course of action would be decided by the first respondent.

5. Having considered the submissions made by the learned counsel for the parties and after having gone through the materials placed before this Court, this Court is inclined to dispose of this writ petition with the following order.

"That there shall be a direction to the respondents especially the second respondent to consider the representation of the petitioner dated 20.10.2021 and pass orders thereon on merits and in accordance with law, after giving an opportunity of being heard to the petitioner, within a period of six weeks from the date of receipt of a copy of this order."



6. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CS-II)

//True copy//

Sub Assistant Registrar

KST

To

1.The Commissioner, Corporation of Chennai
Rippon Building, Chennai 600 034.

2.The Chairperson, Zone IX Street Vending Committee
The Corporation of Chennai, Chennai 600 034.

+1cc to Mr.G.Muthukumar, Advocate SR.No.65111

+1cc to Ms.PT.Ramadevi, Advocate SR.No.64900

W.P.No.26092 of 2021

CA(CO)
GMY(04/01/2022)