



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.1053 of 2022

M.Ashokraj

...Petitioner

Vs.

The Chairperson /
Zonal Executive Engineer (Zone No.9),
(The Township Vending Committee)
Corporation of Chennai
Nungambakkam, Chennai 600034.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the Respondent to consider and pass orders on the petitioner's representation dated 10.12.2021 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 Sewage pumping station, Near S-16, Perumbakkam Police Station, Perumbakkam, Chennai 600119, wherein selling Tea, Coffee, Snacks and other food items therein by using LPG gas stove.

For Petitioner : Mr.L.Chandrakumar

For Respondent : Mrs.P.T.Rama Devi
Standing Counsel

ORDER

The relief sought for in the present writ petition is to direct the Respondent to consider the representation submitted by the writ petitioner dated 10.12.2021 under the provision of the Street Vendors (Protection of Livelihood Regulation) Act, 2014 and till such representation is considered the petitioner shall not be disturbed from running bunk shop.

2. Admittedly, the petitioner, who is a differently abled person, is running a bunk shop without license or permission. He is running a bunk shop at Near Sewage pumping station, Near S-16, Perumbakkam Police Station, Perumbakkam, Chennai 600119, for several years. The petitioner states that he is selling Tea, Coffee, Snacks and other Food items by using LPG gas stove. He is earning a meagre sum to meet out his livelihood.



3. The petitioner states that he has submitted a representation before the Vending Committee for the purpose of considering his case and seeking allotment of shop. The Vending Committee is yet to take a decision in respect of the representation submitted by the petitioner. Thus, the petitioner is constrained to move the present writ petition.

4. The petitioner has encroached the public road and therefore, this Court cannot grant any relief in the nature of injunction forbearing the authorities from removing the encroachments in order to regulate the Street Vending and to protect the livelihood of those self employed people, the Act was enacted and a Committee was constituted to regulate the Street Vending business in the interest of public and to maintain the roads from encroachments. The encroachments can never be encouraged. Encroachments or installing of bunk shop in public roads undoubtedly would cause traffic congestion and inconvenience to the road users. Therefore, the authorities competent are bound to initiate action in respect of such encroachment and to restore free flow of traffic and public roads made available for free usage of road users.

5. However, the petitioner states that he made a representation to the Committee. The Committee constituted has to consider the application by following the procedure as contemplated and in the order of seniority and by considering other aspects contemplated under the scheme for grant of allotment to such people. Therefore, the case of the petitioner is to be considered along with all other candidates, who are also waiting for their redressal of grievances in the manner known to law.

6. It is made clear that the Committee has to take a decision impartially and in a fair manner by considering the grievances of the eligible persons, who are longing to get allotment of shops as per the scheme. Discrimination in any form would result in unconstitutionality. Therefore, the decision of the Committee must be fair and in accordance with law. Thus, the petitioner has to wait till the Committee Constituted takes a decision on their representation in accordance with law.

7. With these observations, the Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(VIII)

//True copy//

Sub Assistant Registrar



Jeni/RR

To

WEB COPY
The Chairperson /
Zonal Executive Engineer (Zone No.9),
(The Township Vending Committee)
Corporation of Chennai
Nungambakkam,
Chennai 600034.

+1cc to Mr.R.Kamaraj, Advocate SR.No.5098

+1cc to Mrs.P.T.Rama Devi, Advocate SR.No.5088

W.P.No.1053 of 2022

PMK (CO)
GMY (10/02/2022)