



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.NO.3757 OF 2022

M.Rajendran

... Petitioner

Vs

1. The Secretary,
Public Health Department, Secretariat,
St.George Fort, Chennai-600 009.
2. The Commissioner,
Greater Chennai Corporation,
Rippon Building, 1st Floor,
Raja Muthayya Road, Kannappar Thidal,
Periyamet, Chennai-600 003.
3. The Assistant Commissioner,
Greater Chennai Corporation,
Zone-12, Ward No.157, No.1, New Street,
Alandur, St.Thomas Mount,
Near Kathipara Junction, Chennai-600 016.

... Respondents

Prayer:

Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of mandamus directing the Respondent to consider my representation dated 29.12.2021 and allow to run the petty shop in the same locality or any other alternative place for remedy to me.

For Petitioner : Ms.S.Revathi
For Respondents: Mr.Vadivelu Deenadayalan
Additional Government Pleader
[R1]

Ms.P.T.Ramadevi
Standing Counsel
[R2 & R3]



O R D E R

Mr.Vadivelu Deenadayalan, learned Additional Government Pleader accepts notice for R1 and Ms.P.T.Ramadevi, learned Standing Counsel accepts notice for R2 & R3 and are armed with instructions to enable a final disposal of the matter even at the stage of admission.

2. The petitioner claims to be differently abled with 95% Loco-Motive Disability. A certificate has been issued in this regard by the competent authority on 20.05.1992. He owns and runs a petty shop at Mount Ponnammalle High Road, Opposite Vasantham Hotel, Manapakkam, Chennai-600 125.

3. He seeks protection under the Street Vendors (Protection of Livelihood Regulation) Act, 2014, which safeguards the interests of Street Vendors. The Act provides for formation of a Town Vending Committee declaring streets or parks thereof to be either vending or non-vending zones as may be specified under the scheme of the Act.

4. Learned Counsel who has accepted notice for the respondents would submit that the Town Vending Committee has indeed been constituted, which has not been arrayed as a party to this Writ Petition. He would assure the Court that if the petitioner forwards a copy of the representation, filed before the respondents, to the Town Vending Committee, the same will be disposed within twelve (12) weeks from the date of receipt of such representation and that the petitioner would not be disturbed, till such time.

5. Since the Town Vending Committee is not arrayed as a party and the representation is also not filed before the Committee, but before the Chief Minister's Special Cell, the petitioner is permitted to send a copy of the said representation dated 29.12.2021 to the concerned Town Vending Committee, within two weeks of date of receipt of this order, who, upon receipt of the same, shall hear the petitioner and dispose the same within a period of twelve (12) weeks from the date of receipt of such representation. The petitioner shall not be disturbed in the interim.

6. It is made clear that if the petitioner does not make a representation to the concerned Town Vending Committee within the period stipulated above, the protection granted under this order shall no longer continue.



7. With the aforesaid direction, this writ petition stands disposed. No costs.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sl/kbs

To

1. The Secretary,
Public Health Department, Secretariat,
St.George Fort, Chennai-600 009.
2. The Commissioner,
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Rippon Building, 1st Floor,
Raja Muthayya Road, Kannappar Thidal,
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Zone-12, Ward No.157, No.1, New Street,
Alandur, St.Thomas Mount,
Near Kathipara Junction, Chennai-600 016.

+1cc to Ms.P.T.Ramadevi, Advocate, S.R.No.11705
+1cc to Mr.S.Nambirajan, Advocate, S.R.No.11349
+1cc to the Special Government Pleader, S.R.No.12338

W.P.No.3757 of 2022

SK(CO)
PM/28/03/2022