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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2022

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.NO.7082 OF 2022

M.Manju

...Petitioner

Vs

- 1.The Additional Secretary to Government,
Government of Tamil Nadu,
Family Welfare Department,
Secretariat,
Chennai-600 009.
- 2.The Commissioner,
Corporation of Chennai,
Rippon Building, Chennai.
- 3.The Chairman,
Zonal Executive Engineer (Zonal-9, Ward-119),
The Township Vendor Committee,
Corporation Office,
Chennai -600 023.
- 4.The State Commission,
Station Commission on Transitional Disabilities,
K.K.Nagar, Chennai-600 078.

...Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the 3rd respondent to grant no objection certificate to permit the petitioner to run bunk shop or tea shops in her residential area by considering the petitioner's representation dated 26.02.2022.

For Petitioner : Mr.R.Rajarajan

For Respondents : Mr.E.Sundaram (for R1 & R4)
Government Advocate

Mr.Rahul Aditya (for R2 & R3)
for Ms.P.T.Ramadevi
Standing Counsel



O R D E R

Mr.E.Sundaram, learned Government Advocate accepts notice for R1 & R4 and Mr.Rahul Aditya, learned counsel for Ms.P.T.Ramadevi, learned Standing Counsel accepts notice for R2 & R3 and is armed with instructions to enable final disposal of this writ petition even at the stage of admission. Hence, by consent expressed by all learned counsel, and in fact, at their request, this writ petition is disposed even at this stage.

2. The petitioner claims to be differently abled and has produced a certificate of visual impairment dated 15.02.2019 issued by the office of the Director and Superintendent, Regional Institute of Ophthalmology and Government Ophthalmic Hospital, Egmore, Chennai, to the effect that she has a 30% disability of visual impairment in one eye. She claims to be owning and managing a bunk Shop Near Indian Bank at Gowdia Mutt Road, Royapettah, Chennai-600 014, wherein she sells beverages and snacks. The petitioner also states that she is simultaneously pursuing her academics and doing II year B.Com. at MGR Janaki College.

3.She seeks protection under the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 in terms of which Town Vending Committees have been constituted by the State Government for assessment of a Zone of the District as either a vending or non-vending zone. The committee has also been vested with the authority to regulate the business of street vendors in particular Zones. The petitioner also claims protection in terms of Section 3 of the Act which states that no street vendors shall be evicted or relocated till the assessment / survey of the particular zone has been completed and a certificate of vending is either granted or application in that regard, rejected.

4.Learned counsel would state that the petitioner filed a representation on 26.02.2022 seeking protection under the Act, seeking issuance of a certificate permitting her to carry on her business. Though the writ petition is very proximate to the filing of the representation, bearing in mind, the circumstances of the petitioner as mentioned above, I do not consider it premature.

5.Moreover, the learned counsel for the respondents confirms receipt of the representation of the petitioner by R3. Thus, the third respondent, who is the Chairman, Zonal Executive Engineer, Zone-9, is directed to consider the representation of the petitioner dated 26.02.2022, after affording opportunity of hearing to the petitioner and pass orders thereupon within a period of eight (8) weeks from today i.e. on or before



30.05.2022. Till such time or till disposal of representation whichever is earlier, the petitioner shall not be disturbed.

6.This writ petition is disposed as above. No costs.

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Sd/-

Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar

vs

To

- 1.The Additional Secretary to Government,
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Secretariat, Chennai-600 009.
- 2.The Commissioner,
Corporation of Chennai,
Rippon Building, Chennai.
- 3.The Chairman,
Zonal Executive Engineer (Zonal-9, Ward-119),
The Township Vendor Committee,
Corporation Office,
Chennai -600 023.
- 4.The State Commission,
Station Commission on Transitional Disabilities,
K.K.Nagar, Chennai-600 078.

+1cc to M/s.P.T.Ramadevi, Advocate Sr.No.20509

+1cc to Mr.R.Rajarajan, Advocate Sr.No.20688

+1cc to the Government Pleader Sr.No.21356

W.P.No.7082 of 2022

BR(CO)

RVM(07/04/2022)