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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.7075 OF 2022

P.Mohan

... Petitioner

Vs

1. The Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai-600 003.

2. The Chairperson /
Zonal Executive Engineer Zone,
Zone No.111, (The Town Vending Committee),
Corporation of Chennai,
Chennai District.

... Respondents

PRAYER :

Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the Respondents to consider and pass orders on the Petitioner's representation at 11.02.2022 as per the provisions at the Street Vendors (Protection of livelihood Regulation) Act 2014, made for granting permission / Certificate of vending and till such time not to disturb with the running of the Petitioner's bunk Shop Wesley Higher Secondary School compound right side, Express Avenue 3rd Gate Opposite, No.10, Weston Road, Royapettah, Chennai-600 014. Wherein selling tea, coffee and food items by using LPG Gas Stove.

For Petitioner : Mr.K.Prabakaran

For Respondents : Mr.Rahul Aditya
for Ms.P.T.Ramadevi
Standing Counsel



O R D E R

Mr. Rahul Aditya, learned counsel appearing for Ms. P.T. Ramadevi, accepts notice for the respondents and is armed with instructions to enable final disposal of this writ petition even at the stage of admission. Hence, by consent expressed by both learned counsel, and in fact, at their request, this writ petition is disposed at this stage.

2. The petitioner claims to be differently abled and has produced an impairment/disability certificate issued by the Government Institute of Rehabilitation Medicines, K.K. Nagar, Chennai, to the effect that he has a 30% disability of physical handicap. He claims to be owning and managing a bunk Shop at Wesley Higher Secondary School compound, Near Express Avenue, No.10, Weston Road, Royapettah, Chennai-600 014, wherein he sells beverages and snacks.

3. He 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 11.02.2022 seeking protection under the Act, seeking issuance of a certificate permitting him to carry on his 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 R2. Thus, the second respondent, who is the Chairperson, Zonal Executive Engineer Zone No.111, is directed to consider the representation of the petitioner dated 11.02.2022, 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.



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

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vs

To

1. The Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai-600 003.
2. The Chairperson /
Zonal Executive Engineer Zone,
Zone No.111, (The Town Vending Committee),
Corporation of Chennai,
Chennai District.

+1cc to Ms.P.T.Ramadevi, Advocate, S.R.No.20510

W.P. No.7075 of 2022

BR(CO)
PM/07/04/2022