



WEB COPY



W.P.No.9698 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2022

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THE HON'BLE **MR.JUSTICE C.SARAVANAN**

W.P.No.9698 of 2022 and
W.M.P.Nos.9431 and 9432 of 2022

M.Velanganni

... Petitioner

Vs.

1.The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai – 600 003.

2.The Chairperson/
Zonal Executive Engineer Zone VII,
(The Township Vending Committee)
Corporation of Chennai,
Chennai.

3.The Junior Engineer,
Division No.89, Unit 20,
Greater Chennai Corporation,
Elango Nagar,
Chennai – 600 050.

4.The Junior Engineer (O&M),
Tamil Nadu Electricity Board,
Division No.R-40,
Krishna Nagar,
Chennai – 600 037.

... Respondents



W.P.No.9698 of 2022

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the order dated 26.03.2022 passed by the 3rd respondent, and to quash the same and forbear the respondents from interfering with the running of the bunk shop near R-40, TNHB Office Complex, Ambattur Estate Road, Mugappair East, Chennai 600 037, wherein selling tea, coffee, snacks and other food items by using LPG Stove, till the Appeal Committee is constituted by the 1st respondent herein.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mrs.P.T.Ramadevi
Standing Counsel
for R1 & R3
Mr.L.Jaivenkatesh
Standing Counsel
for R4

ORDER

This writ petition has been filed to call for the records relating to the order dated 26.03.2022 passed by the 3rd respondent, and to quash the same and forbear the respondents from interfering with the running of the bunk shop near R-40, TNHB Office Complex, Ambattur Estate Road, Mugappair East, Chennai 600 037, wherein selling tea, coffee, snacks and other food items by using LPG Stove, till the Appeal Committee is constituted by the 1st respondent herein.



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WEB COPY 2. The petitioner appears to be running a licensed bunk shop in front of the Office of the Assistant Commissioner of GST and Central Excise, Mugappair.

3. It is the specific case of the petitioner that the petitioner alone has been singled out by the respondent purportedly based on the complaint dated 21.03.2021 to the Assistant Commissioner of GST and Central Excise. It is the further case of the petitioner that there are about six shops. Therefore, the proposed action is only against the petitioner is malafide. It is submitted that the petitioner has obtained electricity connection and the 3rd respondent has no power to pass such order, because only the Town Committee is vested with the jurisdiction

4. I have considered the arguments advanced by the learned counsel for the petitioner and the learned Standing Counsel for the 1st, 3rd and 4th respondents.



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5.The petitioner cannot be asked to vacate the premises merely because the shop is located in front of the office of the Assistant Commissioner of GST and Central Excise Department. The photograph filed by the learned counsel for the petitioner in the typed set indicates that there are atleast four to five shops which was situated nearly the petitioner's shops. Therefore, there cannot be a selective discrimination. In any event, the petitioner can be removed only in accordance with law and a mere notice by the 3rd respondent is not sufficient to remove the petitioner. Under these circumstances, I am inclined to allow this writ petition. However, liberty is given to the respondents to take steps under the provisions of The Street Vendors (Protection of Livelihood Regulation) Act, 2014 by the Town Vendor Committee.

6.Accordingly, this writ petition stands allowed with the above observations. No costs. Consequently, connected miscellaneous petitions are closed.

01.07.2022

Index : Yes/No
Internet : Yes/No
Speaking/Non-speaking Order
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C.SARAVANAN, J.

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