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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27/4/2022

C O R A M

The Hon'ble Mr. Justice T.RAJA
a n d
The Hon'ble Mr. Justice S.SOUNTHAR

W.P.No.13456 of 2021

Maruthupandian

... Petitioner

Vs

1. The Chairman/Zonal Executive Engineer
Zone - XIII
(The Township Vending Committee)
Greater Chennai Corporation
L.B.Road, Adyar
Chennai 600 020.

2. The Commissioner
Greater Chennai Corporation
Ripon Building
Chennai 600 003.

... Respondents

PRAYER:

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the first respondent to consider the representation dated 26/4/2021 made by the petitioner seeking permission to run the bunk shop near Door No.33, 2nd Main Road, Gandhi Nagar, Adyar, Chennai 600 020, as per the provisions of the Street Vendors (Protection of Livelihood Regulation) Act, 2014.

For Petitioner .. Mr.R.Thiagarajan

For Respondents.. Mr.R.Gopinath
Standing Counsel

O R D E R

(Order of this Court was delivered by T.RAJA,J.)

Mr.Marudhupandian, S/o. Udaiyar, a resident of 69/14 South Lock Street, Kotturpuram, Chennai 600 085, claiming to be a person with post Polio Residual Paralysis (left) lower limb with



50% permanent locomotors disability, has approached this Court, for the issuance of a writ of mandamus, to direct the first respondent, to consider the representation, dated 26/4/2021, seeking permission to run the bunk shop, near Door No.33, 2nd Main Road, Gandhi Nagar, Adyar, Chennai 600 020, as per the provisions of the Street Vendors (Protection of Livelihood Regulation) Act, 2014.

2. Heard Ms.Vasudha Thiagarajan, learned counsel for the petitioner and Mr.R.Gopinath, learned Standing counsel for the respondents.

3. Learned counsel appearing for the petitioner submitted that the petitioner being Post Polio Residual Paralysis (left) lower limb with 50% permanent locomotors disability, have been issued with a certificate, bearing No.SRTC/LD/67, dated 16/2/2021 by SRTC Commissioner for the welfare of the Differently abled and his I.D.No. is 64774. He has been vending vegetables and fruits near Door No.33, II Main Road, Gandhi Nagar, Adyar, from 1987. Initially, he had an open shop/cart and thereafter, he was sanctioned a bunk shop by a political party, for selling vegetables, in the year 1990. But, unfortunately, during the rains in 2015 and subsequent cyclone in 2016, his bunk shop was affected adversely. However, he has been vending vegetables and fruits in the said place for over 30 years.

4. When the petitioner has been issued with vendor I.D.No.UID No.13-175-207-0325-0010, some of the residents, who are new to that area raised doubts on his genuineness. On the basis of objections raised by the neighbours, he is facing difficulties to continue his business. Therefore, he sent a representation, dated 26/4/2021, seeking permission to run his bunk shop Near 33 - II Main Road, Gandhi Nagar. After receipt of the same, the respondents are not acceding to his legitimate request.

5. Learned counsel appearing for the petitioner further submitted that in view of the hardship faced by the petitioner, left with no other means to eek out his livelihood and being a Post Polio Residual Paralysis (left) lower limb with 50% permanent locomotors disability, his request may be considered on humanitarian consideration.

6. This Court, by an order, dated 29/6/2021, directed the second respondent, viz., Commissioner Secretary, Chennai Corporation to ascertain and file a report on the following issues:-



(a). Whether the petitioner is an enumerated vendor and when he has been issued identity card as Street Vendor?

(b). Whether he is vending in the vending zone or non-vending zone?

7. In response thereto, a status report, dated 20th July, 2021, has been filed by the Executive Engineer, Zonal Officer XIII, Greater Chennai Corporation. Paragraph Nos.4 and 5 of the status report, reads as follows:-

"4. a. The petitioner is an enumerated street vendor and identity card has been issued as Street Vendor to sell/Nature of Business: Food items with identity card No.UID.No.13-175-207-0325-0010, Time of Business: 4 p.m., to 9 p.m. Location: Gandhi Nagar.

b. The vending or non vending areas in Zone 13 is yet to be finalised.

5. I further submit that there is no bunk shop near Door No.33, 2nd Main Road, Gandhi Nagar, Adyar, Chennai 600 020 and bunk shops are not covered for enumeration under Street Vending Act."

8. A perusal of paragraph Nos.4 and 5 would show that although the petitioner has been identified as one of the enumerated street vendors, for which Identity card has been issued to sell food items, from 4 to 9 p.m., at Gandhi Nagar, Status report reveals that bunk shops are not covered for enumeration under Street Vending Act. It is further clearly stated that the vending or non vending areas in Zone 13 is yet to be finalised.

9. The learned Standing counsel appearing for the respondents submitted that the petitioner's request would be considered after finalising the vending or non vending areas in Zone No.13.

10. Learned counsel for the petitioner stated that she is having her residence three streets away from the present place, but the vendor is not moving to that place because the location of the counsel's house is not good enough for selling more vegetables. Secondly, two other neighbours have also supported the existence of the petitioner's bunk shop. Therefore, allowing the petitioner to continue in the present place will not cause prejudice to any one.



11. In view of the above, till the Corporation finalises, the vending or non vending areas in Zone No.13, the petitioner is permitted to continue his business. With the above direction, this writ petition is disposed of. No costs.

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Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mvs.

To

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Chennai 600 020.
2. The Commissioner
Greater Chennai Corporation
Ripon Building
Chennai 600 003.

+1cc to Mr.R.Gopinath, Advocate, S.R.No.28974
+1cc to Mr.R.Thiagarajan, Advocate, S.R.No.29253

W.P.No.13456 of 2021

PMK (CO)
CT 10/06/2022