



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2022

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.NO.23576 OF 2021

R.Nirmala

... Petitioner

Vs

1. The Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai - 600 003.
2. The Chairperson /
Zonal Executive Engineer Zone,
Zone No.9 (The Town Vending Committee),
Corporation of Chennai,
Chennai District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents to consider and pass orders on the petitioner's representation dated 25.10.2021, 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, Royla Towers Compound, No.785/158, Anna Salai, Chennai - 600 002 wherein selling tea, coffee and food items by using LPG Gas Stove.

For Petitioner : Mr.R.Gopinath

For Respondents : Mr.N.Ganesan
Standing Counsel

O R D E R

The prayer sought for herein is for a writ of mandamus directing the respondents to consider and pass orders on the petitioner's representation dated 25.10.2021, 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 at Roylea Towers Compound, No.785/158, Anna Salai, Chennai - 600 002 wherein selling tea, coffee and food items by using LPG Gas Stove is undertaken.

2. The petitioner claims that, she is a differently abled person with 80% disability and she is running a bunk Shop at No.785/158, Roylea Towers Compound, Anna Salai, Chennai - 600 002. In the said shop, the petitioner claimed to have been selling tea, coffee and food items which is the only avocation for the petitioner for her livelihood.

3. Since the petitioner has been running the bunk shop for sometime without any licence obtained from the Chennai Corporation or the Town Vending Committee, the petitioner has given a request by way of representation dated 25.10.2021 to the respondents and the said representation since has not been considered, she has approached this Court by filing the present writ petition.

4. Heard Mr.R.Gopinath, learned counsel appearing for the petitioner, who having reiterated the above, seeks indulgence of this Court to issue a direction.

5. Heard Mr.N.Ganesan, learned Standing Counsel appearing for the respondents would submit that, if at all the petitioner has given any representation on 25.10.2021, the same would be considered by the 2nd respondent i.e., the Zone Vending Committee of the Zone concerned and whether the Zone wherein the petitioner claims to have been running the bunk shop is a Vending Zone or Non-Vending Zone and if it is a Vending Zone, whether the petitioner shop can be permitted to sell there also would be taken into consideration and a decision would be taken by the Town Vending Committee in this regard and on receipt of such decision to be made by the 2nd respondent, the 1st respondent Corporation would pass necessary orders to give licence or otherwise to the petitioner, to run the bunk shop in the said locality.

6. I have considered the said submissions made by the learned counsel appearing for the parties, especially the Standing Counsel appearing for the respondents and having considered the same, this Court is of the view that, since the petitioner is also running the bunk shop and is physically challenged having 80% disability and this is her only avocation and she has made an application through her representation dated 25.10.2021 to the respondents, which could be considered shortly



by the respondents, as stated by the learned Standing Counsel appearing for the respondents, this Court is inclined to dispose of this writ petition with the following orders:

(i) That there shall be a direction to the respondents, especially the 2nd respondent to consider and pass orders on the representation of the petitioner dated 25.10.2021 and depending upon the outcome of the decision to be made by the 2nd respondent, the further action can be taken by the 1st respondent as to whether the petitioner can be permitted to run the shop in the place claimed by her or otherwise.

(ii) The needful as indicated above, shall be undertaken and final order shall be passed by the respondents, within a period of eight weeks from the date of receipt of a copy of this order. Till such time, the petitioner's run a bunk shop in the particular place not in any other place, shall not be disturbed by the respondents.

7. With this direction, this Writ Petition is disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

Sgl

To

1. The Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai - 600 003.
2. The Chairperson /Zonal Executive Engineer Zone,
Zone No.9 (The Town Vending Committee),
Corporation of Chennai, Chennai District.

+1cc to Mr.N.Ganesan, Advocate, S.R.No.2286
+1cc to Mr.K.Prabhakaran, Advocate, S.R.No.1928

W.P. No.23576 of 2021

RSV(CO)
RLP(28/01/2022)