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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.27565 of 2021

C.Govindaraj

... Petitioner

-Vs-

The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai.

... Respondent

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent to consider the petitioner's representation dated 18.09.2021 within a time frame as fixed by this Hon'ble Court.

For Petitioner : Mr. D.R. Arun Kumar

For Respondent : Ms.P.T.Ramadevi
Standing Counsel

O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the respondent to consider and pass orders on the petitioner's representation dated 18.09.2021.

2. It is the claim of the petitioner that, he is a physically challenged person and his disability is 90% as per the certificate of the Medical Authority concerned in this regard.

3. The petitioner for his livelihood is already running a petty shop opposite to the metro water tank at Enjampakkam in Zone 15, Ward No.196 of the respondent Corporation limit, for which, the petitioner has given a representation on 18.09.2021 to the respondent for considering the same under the provisions of the Street Vendors (Protection of Livelihood) Regulation Act, 2014 (In short 'the Act').

4. Since the said representation/application, according to the petitioner, has not been considered, in order to consider the representation/application under the provisions of the Act



and to permit the petitioner to do the street vending, he has approached this Court by filing the present writ petition with the aforesaid prayer.

5. Ms.P.T.Ramadevi, learned Standing Counsel appearing for the respondent Corporation, on instructions would submit that, under the provisions of the Act only the town/street vending committee constituted under the Act in this regard alone is empowered to decide whether a particular zone / street is a vending zone. However, even if it is a Street vending zone, the decision has to be taken by the Street Vending Committee and based on their decision, the respondent Corporation can take a decision either to permit the petitioner or not as desired by him.

6. In this regard, even though the representation/application submitted to the respondent Corporation, the respondent corporation cannot independently consider the same and decide as requested by the petitioner through his representation. Therefore, the learned Standing counsel appearing for the respondent corporation seeks dismissal of this writ petition.

7. I have considered the said submissions made by the learned counsel for the parties and have perused the materials placed before this Court.

8. Since admittedly, the petitioner is a physically challenged person and the petitioner claims that he is running the petty shop in Zone 15, Ward No.196 of the respondent Corporation limit, which has to be regularized, for which, application/representation though has been submitted on 18.09.2021, the same has been submitted to the Respondent Corporation and not to the Street Vending Committee constituted under the provisions of the Act.

9. Be that as it may. once the representation is received from the petitioner, who is a physically challenged person, the respondent corporation can very well forward the same to the Street Vending Committee of the concerned zone, and once it is forwarded to place it before the next Street Vending Committee meeting for taking a decision thereon and the said decision can be forwarded to the Corporation for taking further follow up action in this regard.

10. In that view of the matter, this Court is inclined to dispose of this writ petition with the following order.

That there shall be a direction to the respondent to consider the representation of the petitioner dated 18.09.2021 under the provisions of the Street



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Vendors (Protection of Livelihood) Protection Act, 2014 by placing the representation in the next meeting of the Street Vending Committee and on receipt of the same, the Street Vending Committee of the concerned zone shall take a decision on merits and in accordance with law and communicate the same to the respondent Corporation within a period of four weeks from the date of receipt of a copy of this order. It is needless to mention that depending upon the decision to be taken in the Street Vending Committee, further follow up action can be taken by the respondent Corporation. The aforesaid needful shall be undertaken by the respondent within a period of eight weeks from the date of receipt of a copy of this order.

11. With the above direction, this writ petition is disposed of.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

mp/kst

To

The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai.

+1cc to Ms.P.T.Ramadevi, Advocate, S.R.No.36

+1cc to Mr. D.R. Arun Kumar, Advocate, S.R.No.93

W.P.No.27565 of 2021

GPL(CO)
CT 28/01/2022