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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2022

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THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.NO.28213 OF 2021

Pandiyan

...Petitioner

Vs

1.The Commissioner,
State Commissioner for Differently Abled,
Dr.Rajaji Salai, Triplicane,
Chennai - 600 005.

2.The Commissioner,
Corporation of Greater Chennai,
Rippon Building,
Chennai - 600 003.

3.The Commissioner of Police,
Greater Chennai City Police,
Veppery,
Chennai - 600 007.

4.The Inspector of Police,
K-10, Koyambedu Police Station,
Chennai City.

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the respondents not to interfere running the petitioner's bunk shop and directing the second respondent to issue license to run bunk shop at Gate No.7, Whole Sale Market, Koyambedu, Chennai - 600 107 (Near to office of the Chief Administrative Office) wherein selling tea, coffee and allied foods pursuant to the representation dated 24.11.2021.

For Petitioner : Mr.R.Karthick Sevugapperumal

For Respondents : Mrs.V.Yamuna Devi
Special Govt. Pleader for R1,R3&R4

Ms.P.T.Ramadevi
Standing counsel for R2



O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the respondents not to interfere with the petitioner's bunk shop and directing the second respondent to issue license to run bunk shop at Gate No.7, Whole Sale Market, Koyambedu, Chennai - 600 107 (Near to office of the Chief Administrative Office) wherein selling tea, coffee and allied foods pursuant to the representation dated 24.11.2021.

2. It is the case of the petitioner that, the petitioner is a physically challenged person and for his livelihood, he has already been running a bunk shop at Gate No.7, Whole Sale Market, Koyambedu, Chennai, i.e., near to the office of the Chief Administrative Office, where the petitioner is selling tea, coffee and allied foods.

3. Though the said bunk shop is run by the petitioner, he has not obtained any license from the respondent Corporation, especially under the provisions of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014.

4. In this regard, in order to get such permission or license from the respondent Corporation of course through the Street Vending Committee, the petitioner has given an application / representation on 24.11.2021 addressing to the respondent Corporation and since the same has not been considered, he has approached this Court by filing the present Writ Petition.

5. Reiterating the aforesaid factual matrix, Mr.R.Karthick Sevugapperumal, learned counsel appearing for the petitioner seeks indulgence of this Court to issue a suitable direction to the respondents.

6. Heard Ms.P.T.Ramadevi, learned Standing counsel appearing for the respondent Chennai Corporation who on instructions would submit that, if at all, the petitioner wants to get any license to run the bunk shop in the given address, first of all, the application has to be submitted to the Street Vending Committee of the zone concerned constituted in this regard under the provisions of the Act and no such application seems to have been given to the Street Vending Committee. However, since the application has directly been given to the respondent Corporation on 24.11.2021, the said application would be forwarded only to the Street Vending Committee, as they have to take a decision under the provisions of the Act, as to whether the place in which, the petitioner wants the license under the provisions of the Act is a Vending Zone or Non-vending Zone and



depending upon the decision to be taken by the Street Vending Committee, further follow up action would be taken by the respondent Corporation within a time frame that may be stipulated by this Court, she contended.

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7. Having heard the said submissions made by the learned counsel appearing for the parties and on perusal of the documents filed before this Court, this Court is inclined to dispose of this Writ Petition with the following orders:

"(i) that there shall be a direction to the respondent Corporation to forward the application of the petitioner dated 24.11.2021 to the Zone Street Vending Committee constituted under the provisions of the Act, who on receipt of the same shall place it before the next meeting of the Vending Committee and take a decision as to whether, the permission sought for by the petitioner to have the street vending in the given address can be permitted or not and accordingly, communicate the decision to the respondent Corporation who on receipt of the same depending upon the outcome of the decision taken by the Street Vending Committee can take a decision and communicate the same to the petitioner.

(ii) The needful as indicated above shall be undertaken by the respondents including the Street Vending Committee within a period of eight weeks from the date of receipt of a copy of this order."

8. With these directions, this Writ Petition is disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar (CS-IX)

// True Copy //

Sub Assistant Registrar

vji

To

1. The Commissioner,
State Commissioner for Differently Abled,
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Chennai - 600 005.

2. The Commissioner,
Corporation of Greater Chennai,
Rippon Building,
Chennai - 600 003.



3.The Commissioner of Police,
Greater Chennai City Police,
Veppery, Chennai - 600 007.

4.The Inspector of Police,
K-10, Koyambedu Police Station,
Chennai City.

+1cc to M/s.P.T.Ramadevi, Advocate Sr.No.38

+1cc to the Government Pleader Sr.No.337

W.P.No.28213 of 2021

PL(CO)
RVM(17/02/2022)