



W.P.No.5935 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.02.2023

CORAM

THE HONOURABLE Ms. JUSTICE V.M.VELUMANI

AND

THE HONOURABLE Mr. JUSTICE V.LAKSHMINARAYANAN

W.P.No.5935 of 2023

AND

W.M.P.No.5937 of 2023

G.Revathy

Vs.

.. Petitioner

1.State of Tamil Nadu

Rep. by Additional Chief Secretary to Government
Municipal Administration and Water Supply Department
Secretariat, Chennai 600 009

2.The Corporation of Chennai

Rep. by the Commissioner
Ripon Building
Chennai 600 003

3.The Assistant Engineer

57th Ward, Zone 5, Corporation of Chennai
No.41, Trevelyan Basin Street
Trevelyan Basin
George Town, Chennai 600 001

.. Respondents



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Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus forbearing the respondents from evicting the petitioner from the bunk shop situated at No.A3, Hussain Sahib Street, NSC Bose Road, Edapalayam, Chennai-3.

For Petitioner : Mr.M.Radhakrishnan
For R1 : Mr.A.Selvendran
Special Government Pleader
For R2 and R3 : Mr.D.B.R.Prabhu
Standing Counsel

ORDER

(Order of the Court was made by V.M.VELUMANI, J.)

The present writ petition is filed for a direction forbearing the respondents from evicting the petitioner from the bunk shop situated at No.A3, Hussain Sahib Street, NSC Bose Road, Edapalayam, Chennai-3.

2. By consent of both the learned counsel appearing for the petitioner as well as Mr.A.Selvendran, learned Special Government Pleader, who takes notice for the 1st respondent and Mr.D.B.R.Prabhu, learned Standing Counsel, who takes notice for the respondents 2 and 3, the Writ Petition is taken up for final disposal at the stage of admission itself.



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3. Learned counsel appearing for the petitioner submitted that the petitioner, who is a widow and a disabled person, is running a tea shop for more than 15 years at No.A3, Hussain Sahib Street, NSC Bose Road. Prior to that, the petitioner's mother was running a tea shop in the same bunk shop for more than 30 years and the petitioner was assisting her mother, since her childhood. The residents of that locality have no complaints against the petitioner with regard to bunk shop. While so, on the complaint by one Thoppi Palani, who is a non-resident of the Hussain Sahib Street, the 3rd respondent visited the petitioner's shop during the last week of January 2023 with policemen and threatened her to remove the bunk shop forcefully. The 3rd respondent left the place, when the petitioner pleaded him not to deprive of her livelihood. In such circumstances, the petitioner gave a representation dated 01.02.2023 to the 2nd respondent for issuance of license to run the bunk shop and the 2nd respondent is yet to pass orders on the said representation. Without any notice, the 3rd respondent is threatening the petitioner that her bunk shop will be removed. Hence, the petitioner has come out with the present petition.



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4. Learned Standing Counsel appearing for the respondents 2 and 3, on instructions, submitted that the 2nd respondent has not formed any committee. Now, as per the orders of this Court, a Street Vending Committee has to be formed to consider issuance of license to the petitioner and others.

5. In view of the above, the petitioner is directed to give a representation to the 2nd respondent in a prescribed form as per the provisions of Section 279 of Chennai City Municipal Corporation Act, 1919, within a period of four weeks from the date of receipt of a copy of this order. Till the Street Vending Committee is formed and the application of the petitioner is considered and orders passed, the respondents are restrained from taking any coercive steps against the petitioner.

With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

gya
Internet : Yes / No
Neutral citation : Yes/No

(V.M.V.,J.) (V.L.N.,J.)
27.02.2023



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To
WEB COPY

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