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W.P.No.10097 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.10097 of 2023

Muthu.G.

...Petitioner

Vs.

1.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai – 600 003.

2.The Chairman / Zonal Executive
Engineer Zone, Zone No.VIII
No.36B/12B, Pulla Avenue Road,
Shenoy Nagar, Chennai – 600 030.

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider and on the petitioner's representation dated 01.03.2023 as per the provisions at the Street Vendors (Protection of livelihood Regulation) Act, 2014, made for granting permission or certificate of vending and till such time, not to disturb with the running of the petitioner's bunk shop at South Street, V.P.Colony near K2 Police Booth, Aynavaram, Chennai – 600 023, wherein selling Tea, Coffee, Juice, Cool drinks and chat and Food Tiffin items by using LPG Gas Stove.



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For Petitioner : Mr.V.Sathya Moorthy
For R1 & R2 : Ms.P.T.Rama Devi
Standing Counsel
For Greater Chennai

ORDER

The relief sought for in the present writ petition is for a direction to direct the respondents to consider the representation submitted by the writ petitioner on 01.03.2023 as per the provisions at the Street Vendors (Protection of livelihood Regulation) Act, 2014 and to grant permission to run Bunk shop at South Street, V.P.Colony near K2 Police Booth, Aynavaram, Chennai – 600 023.

2. The petitioner states that he is owning a Bunk shop at South Street, V.P.Colony near K2 Police Booth, Aynavaram, Chennai – 600 023, wherein he is selling Tea, Coffee, Juice, Cool drinks, chat and Food Tiffin items by using LPG Gas Stove. From and out of the said income, he is meeting out his livelihood. The respondents are initiating steps to remove the Bunk shop. In this regard, the petitioner submitted a representation to consider his case for grant of Trade license. The authorities have not considered the representation and therefore, the petitioner is constrained to move the present writ petition.



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3. Any shop or commencement of business is to be done only after obtaining proper trade license from the competent authorities of Chennai Corporation. The petitioner unilaterally cannot run a business in a public place by commissioning a Bunk shop, which would cause greater inconvenience to the people in that locality and create traffic congestion. The authorities are bound to regulate the Bunk Shop, since such shops are causing greater inconvenience to the road users and more so, creating traffic.

4. In the present case, admittedly, the petitioner is not holding any valid trade license for running Bunk shop and he has illegally commissioned the Bunk shop and is selling food items. Thus, the authorities competent are bound to remove the Bunk shop.

5. The petitioner is at liberty to submit an application for allotment of a shop in an earmarked area in the manner known to law. The case of the petitioner also to be considered along with all other eligible persons, who all are waiting for such allotment of an earmarked shop or otherwise. However,



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the petitioner cannot be allowed to run any such Bunk shop in an illegal manner, which would cause public nuisance and inconvenience to the road users.

6. Thus, the writ petition stands dismissed. No costs.

31.03.2023

Index : Yes
Speaking order
Neutral Citation: Yes

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To

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S.M.SUBRAMANIAM, J.

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