



WEB COPY



W.P.No.13996 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.13996 of 2023

V.Shri

... Petitioner

-Vs-

1.The Secretary to Government
Social Welfare Department
Secretariat, Chennai 600 009.

2.The Commissioner
Greater than Chennai Corporation
Ribbon Building, Chennai-600 003.

3.The Inspector of Police
Ooteri Police Station
Chennai 600 012.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, direct the respondents to consider the petitioner's representation dated 6.4.2023 and pass orders within the time stipulated by this Hon'ble Court.

For Petitioner Mr.N.Mahendra Babu

For Respondents Mrs.S.Mythreye Chandru
Special Government Pleader
for R1, R3
Mrs.P.T.Ramadevi
Standing Counsel
for R2



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ORDER

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This writ petition has been filed for the issue of a writ of mandamus directing the respondents to consider the representation made by the petitioner on 06.04.2023, wherein, the petitioner has requested the respondents to permit him to run the business in a pushcart.

2.The petitioner is a transmale, who is eking livelihood by doing business in a pushcart in the roadside at Cookies Road, Jamalaiya, Chennai-600 011. According to the petitioner, the officials belonging to the respondents are interfering with the business run by the petitioner and hence, a representation was made by the petitioner in this regard on 06.04.2023. Since the same was not considered, the present writ petition has been filed before this Court seeking for appropriate directions.

3.Heard Mr.N.Mahendra Babu, learned counsel for the petitioner, Mrs.S.Mythreye Chandru, learned Special Government Pleader for R1, R3 and Mrs.P.T.Ramadevi, learned Standing Counsel for R2.

4.Insofar as the 3rd respondent Police is concerned - Mrs.S.Santhhiya (W Gr-I 42269), P2-Otteri PS(L&O), mobile no.8072820755, was present before this Court and Grade-I Constable belonging to the 3rd respondent Station stated that the Police are not interfering with the business run by the petitioner. The statement is recorded.



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5.The learned Standing Counsel appearing on behalf of the 2nd respondent Corporation submitted that the petitioner is running the business in a pushcart and the pushcart is kept in a crowded place interfering with the movement of the general public. Hence, the officials belonging to the 2nd respondent Corporation had objected to running of the business by the petitioner in the concerned place. The learned Standing Counsel further submitted that the Town Vending Committee is the appropriate authority, who can permit the petitioner to do the business in a vending zone.

6.In the considered view of this Court, the petitioner has not put up any bunk shop. Admittedly, the petitioner is running the business in a pushcart. The petitioner has made a representation to the Corporation to permit the business to be run in the pushcart at Cookies Road, Jamalaiya, Chennai-600 011. Corporation of Chennai, shall place this representation before the Town Vending Committee and a decision shall be taken by the Committee allotting the petitioner to do the business in a vending zone. Till then, the petitioner shall not be disturbed and shall be permitted to do the business without causing any hindrance to the movement of the general public.

7.This writ petition is disposed of in the above terms. No costs.

01.06.2023

KP

Internet : Yes/No

Index : Yes/No

Neutral Citation :Yes/No



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N.ANAND VENKATESH, J.

KP

To

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