



WEB COPY



W.P.No.21875 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2023

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P.No.21875 of 2023

and

WMP.No.21207 of 2023

K.Munusamy

...Petitioner

Vs.

- 1.The Commissioner
Greater Chennai Corporation
Rippon Building Chennai 600 003.
- 2.The Zonal Officer
Zone-V, Greater Chennai Corporation
No.61, Basin Bridge Road
Chennai 600 001.
- 3.The Executive Engineer
Zone-V, Greater Chennai Corporation
No.61, Basin Bridge Road
Chennai 600 003.
- 4.The Chairperson
Town Vending Committee
Greater Chennai Corporation
Rippon Building, Chennai 600 003.

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to quash the order of the second respondent herein passed in Ma.A.5/Na.Ka.No./E5/16872/2022 dated 16.12.2022 and direct the respondents herein to allot a bunk shop to the petitioner in Madhakoil East Street, Royapuram or opposite to Anna Arivalayam in Kalmandapam, Chennai, based on his representation dated 10.11.2022.

For Petitioner : Mr.S.V.Karthikeyan

For Respondents : Mr.A.S.Ragul Adhithya
for Mrs.P.T.Ramadevi
Standing Counsel (GCC)

ORDER

The Writ Petitioner filed this Writ Petition challenging the order passed by the second respondent rejecting the application submitted by the petitioner seeking permission to run a bunk shop at Madhakoil East Street, Rayapuram, Chennai.



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2. The request of the petitioner was rejected by the second respondent by the impugned order stating that such permission for running a bunk shop within Chennai city limit will not be considered.

3. Mr.A.S.Ragul Adhithya, learned counsel for Mrs.P.T.Ramadevi, learned Standing Counsel appearing for the respondents 1 to 4 submitted that the second respondent has no power to grant such permission to the petitioner and it is for the Town Vending Committee constituted under the Street Vendors Act, 2014 to consider the application of the petitioner.

4. When the second respondent has no power to consider the request of the petitioner, he ought not to have passed the impugned order and he should have forwarded the same to the Competent Authority namely, the fourth respondent. Since the second respondent has no power to consider the application submitted by the petitioner, the impugned is set aside and the second respondent is directed to forward the application of the petitioner to the Town Vending Committee.



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5. The learned counsel for the petitioner submitted that the proposal for constitution of Town Vending Committee is already forwarded to the Government and notification is expected shortly.

6. In view of the said submission made by the learned counsel for the respondents, the second respondent is directed to forward the application submitted by the petitioner dated 10.11.2022 and received by the second respondent's office on 14.11.2022 to the Town Vending Committee as soon as it is constituted. The Town Vending Committee is directed to consider the application of the petitioner and pass final orders as expeditiously as possible.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

08.08.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
dna



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S.SOUNTHAR, J.
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