



W.A.No.542 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 31.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

THE HONOURABLE R.JUSTICE P.B.BALAJI

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R.Nagajothi

... Appellant

Vs.

1. The Commissioner, Corporation of Chennai,
Ribbon Buildings, Chennai 600 003.
2. The Chairperson/ Zonal Executive Engineer,
Zone No.8, (The Township Vending Committee)
Corporation of Chennai, Chennai 600 030. ... Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 17.07.2019 passed by this Court in W.P.No.19547/2019 dated 17.07.2019.

For Appellant : Mr.G.M.Ananthakumar
for Mr.L.Chandrakumar

For Respondents : Not ready



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JUDGMENT

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(Judgment of the Court was delivered by D.KRISHNAKUMAR, J.)

This writ appeal has been filed by the writ petitioner to set aside the order passed in W.P.No.19547/2019 dated 17.07.2019, wherein, the request of the appellant/writ petitioner for granting certificate of vending was rejected by the learned single judge.

2. The brief facts leading to the filing of the writ appeal is as follows.

The appellant/ writ petitioner is running a bunk shop near Chetpet police Booth, Mayor Ramanathan Salai, Chepet, Chennai for the past several years and selling coffee, snacks and food items. The officials of the respondent had frequently threatened the appellant to remove the bunk shop and hence, she had applied for granting certificate of vending to the second respondent/Town vending committee. But, her representation dated 13.06.2019 was not considered, as per the provisions of the Street Vendors (Protection of Livelihood Regulation) Act, 2014. Hence, she filed the above writ petition and it was dismissed by the learned Single Judge. Hence, she



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filed the instant writ appeals.

3. Heard the learned counsel for the appellant we have perused the materials on record.

4. The learned Single Judge, after considering the submission of both side, has held as "*the name of the appellant/ writ petitioner was not found in the list of enumeration done by the Town Vending Committee in the year 2016-2017. She has newly put up the present shop and has sought for permission/certificate of vending under the Street Vendors (Protection of Livelihood Regulation) Act, 2014 and therefore, the request of the petitioner to direct the respondents to consider her representation cannot be entertained by way of writ petition.*"

5. It is the contention of the learned counsel appearing for the appellant that, the respondents have not properly conducted the enumeration process to issue street vending identity card and many eligible persons were omitted to be included in the enumeration



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process for the past 2 1/2 years. Hence, he sought for direction to the authorities concerned to grant certificate of vending to the appellant to run the shop in the place in question.

6. As per the provisions of the above Act, the appellant should establish that already, she has been granted permission to run the bunk shop and her name has been included in the enumeration process. However, there is no iota of evidence to prove that the appellant has been granted permission to run the said vending business in the particular locality. Therefore, we are not satisfied with the contention of the appellant and there is no ground to interfere with the order passed by the learned single judge.

7. Accordingly, this writ appeal is dismissed. No costs.

(D.K.K., J.) (P.B.B., J.)

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Index:Yes/No
Internet:Yes/No
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To

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AND
P.B.BALAJI, J.
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