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W.P.No.17385 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.07.2024

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.17385 of 2024

M.Kanagavalli

... Petitioner

versus

1. The Commissioner
Corporation of Chennai
Ripon Buildings,
Chennai 600 003.

2. The Zonal Officer (Zone No.9),
Corporation of Chennai,
Nungambakkam,
Chennai 600 034.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to consider and pass orders on the petitioner's application dated 22.03.2024 made for grant of permission/certificate of Vending and till such time not to interfere with the running of the petitioner's bunk shop at Opposite to Gate No.3, Express Avenue, Whites Road, Royapettah, Chennai 600 014 wherein selling tea, coffee, snacks, tiffin, cool drinks and other food items.

For Petitioner : Mr.R.Kamaraj

For Respondents : Mr.D.B.K.Prabhu
Standing Counsel



ORDER

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This Writ Petition has been filed praying for issuance of a Writ of Mandamus, directing the respondents to consider and pass orders on the petitioner's application dated 22.03.2024 made for grant of permission/certificate of Vending and till such time not to interfere with the running of the petitioner's bunk shop at Opposite to Gate No.3, Express Avenue, Whites Road, Royapettah, Chennai 600 014 wherein selling tea, coffee, snacks, tiffin, cool drinks and other food items

2. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents.

3. It is the case of the petitioner that she is running a bunk shop Opposite to Gate No.3, Express Avenue, Whites Road, Royapettah Chennai 600 014 in which she is selling Tea, Coffee, Snacks and other food items for the past several years. The Central Government has enacted “The Street Vendors (Protection of Livelihood Regulation) Act, 2014” safeguarding the “Street Vendors” by regulating their business. By the above Act, the State



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Government has to form a Township Vending Committee and take steps to regulate Street Vending and still such time the business of the street vendors shall not be interfered. Since the State Government and the local body have not taken any steps to regulate the street vending, the respondents to be refrained from interfering with the petitioner's business of running bunk shop in the above mentioned place. While so, the officials of the respondents are frequently visiting the bunk shop and threatening the petitioner to remove his shop stating that the same is unauthorised as he has not applied before the Township Vending Committee and obtained direction from this Court. Therefore, on 22.03.2024 the petitioner submitted an application in Form III of the Act before the 2nd respondent for certificate of Vending.

4. Considering the limited nature of the relief sought for in the present Writ Petition, there shall be a direction to the respondents to place the papers before the Vending Committee to enable the Vending Committee to process the same whether the petitioner is eligible or not. Until a decision is taken on the representation dated 22.03.2024, the respondents shall not take any coercive steps against the petitioner by removing the bunk shop.



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5. This Writ Petition is disposed of accordingly. No costs.

04.07.2024
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Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

dpq

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V.BHAVANI SUBBAROYAN, J.

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