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W.P.No.26913 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.08.2024

CORAM :

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

W.P.No.26913 of 2022

Masthan

.. Petitioner

Vs.

1. The Executive Engineer, Zone 5
Greater Chennai Corporation
(The Chairperson, Township Vending Committee)
Basin Bridge Road, Chennai – 600 021.

2. The Assistant Engineer
Division No.50, Greater Chennai Corporation
Royapuram, Chennai – 600 013. .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, forbearing the second respondent, their men, officials or anybody claiming through them from in any manner interfering with the peaceful running of the petitioner's bun shop at Corner of Surya Narayana 1st Street, Opposite to Yoga Munishwar Alaiyam, Near TMB ATM, Kalmandapam, Royapuram, Chennai 600 013 pursuant to the proceedings of the 1st respondent in Z.O.V.C.No.5721/2022, dated 17.09.2022 till the Township Vending Committee is constituted and decides the issue of granting certificate of vending to the petitioner as per the provisions of the Street Vendors (Protection of Livelihood Regulation) Act, 2014.

For the Petitioner : Mr.R.Kamaraj

For the Respondents : Mr.A.Arun Babu
Standing Counsel



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ORDER

(Order of the Court was made by R.SURESH KUMAR, J.)

The prayer sought in this writ petition is to forbear the respondents, by way of a mandamus, from in any manner interfering with the peaceful running of the petitioner's bun shop at Corner of Surya Narayana 1st Street, Opposite to Yoga Munishwar Alaiyam, Near TMB ATM, Kalmandapam, Royapuram, Chennai 600 013, pursuant to the proceedings of the 1st respondent in Z.O.V.C.No.5721/2022, dated 17.09.2022, till the Township Vending Committee is constituted and the issue of granting certificate of vending to the petitioner as per the provisions of the Street Vendors (Protection of Livelihood Regulation) Act, 2014, is decided.

2. The impugned communication of the Executive Engineer, Zone V, Greater Chennai Corporation, dated 17.09.2022, discloses that the prayer sought by the petitioner to consider his request for grant of license since cannot be considered as the then Town Vending Committee has been dismantled or dissolved by the orders of this Court in W.P.No.6799 of 2022, the same would be considered once a new Committee is constituted.



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3. That being so, learned Standing Counsel now would submit that since the new Committee has been constituted vide the Government Order in G.O (4D) No.29, Municipal Administration & Water Supply (MC.2) Department, dated 07.08.2023, consisting of fifteen members, chaired by the Commissioner of Greater Chennai Corporation, the petitioner may make a fresh application to the new Committee and let there be a direction to the new Committee to consider the same and decide, on merits and in accordance with law, within a time frame that may be fixed by this Court.

4. Having regard to the submissions advanced by the learned Standing Counsel appearing for the respondent Corporation, we are inclined to dispose of this writ petition with the following orders:

(i) It is open to the petitioner to make a fresh application to the newly constituted Town Vending Committee in the prescribed format within a period of two weeks from the date of receipt of a copy of this order;

(ii) On receipt of such fresh application, the Town vending Committee shall consider and decide the same, on merits and in accordance with law,



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within a period of three months thereafter;

(iii) In this regard, necessary inputs, if any, to be given to the Town Vending Committee by the respondent Corporation shall also be immediately given without any delay. After considering the merits of the claim, to be made by the writ petitioner, a final decision can be taken.

(iv) It is needless to mention that depending upon the final decision to be taken, the fate of the shop/bunk of the petitioner, whether to be continued in the present location or in any other location or not would be decided; and

(v) It is made clear that the final decision shall be taken by the Town Vending Committee within a period of three months from the date of receipt of the application. Till such time, if any shop/bunk has already been possessed by the petitioner, the same can be verified, if so, that shall not be disturbed.

5. With these directions, the writ petition stands disposed of.

There shall be no order as to costs. Consequently, W.M.P.No.26117 of 2022 is closed.

(R.S.K., J.)

(A.D.J.C., J)



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Neutral Citation:Yes/No

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To:

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R. SURESH KUMAR, J.
AND
A.D.JAGADISH CHANDIRA, J.
(drm)

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