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W.P.Nos.32905 & 32908 of 2023

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.Nos.32905 & 32908 of 2023

C.Sudha	..	Petitioner in W.P.No.32905 of 2023
K.Vetrivelan	..	Petitioner in W.P.No.32908 of 2023

Vs.

1. The Commissioner
Corporation of Chennai, Rippon Building
Chennai – 600 003.

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

.. Respondents in both W.Ps

Prayer in W.P.No.32905 of 2023: Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, directing the respondents from interfering with the running of the petitioner's bunk shop running opposite to Door No.1, Melony Road, near Prem Nagar Colony, T.Nagar, Chennai – 600 017, wherein selling tiffin, lunch and food items therein, till the Township Vending Committee decides the petitioner's representation dated 07.11.2023 made for the grant of issuance of Certificate of Vending as per the provision of the Street Vendors (Protection of Livelihood Regulation) Act, 2014;



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Prayer in W.P.No.32908 of 2023: Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, forbearing the respondents from interfering with the running of the petitioner's bunk shop running opposite to Five Furlong Road Bus Stop, near Velachery Road, Maduvankarai, Guindy, Chennai – 600 032, wherein selling tea, coffee and food items therein, till the Township Vending Committee decides the petitioner's representation dated 07.11.2023 made for the grant of issuance of Certificate of Vending as per the provision of the Street Vendors (Protection of Livelihood Regulation) Act, 2014.

For the Petitioners
in both W.Ps : Mr.R.Kamaraj

For the Respondents
in both W.Ps : Mr.A.S.Ragul Aditya for
Ms.P.T.Ramadevi
Standing Counsel

COMMON ORDER

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

The petitioners have made applications in the prescribed format on 07.11.2023 to the Town Vending Committee, which has been constituted under 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.



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2. Applications have been made by the petitioners before the said Authority in the prescribed format and since the same has not been considered so far, the petitioners have moved the present writ petitions with the aforesaid prayer.

3. Heard *Mr.R.Kamaraj*, learned counsel for the petitioner and *Mr.A.S.Ragul Aditya*, learned counsel appearing on behalf of *Ms.P.T.Ramadevi*, learned Standing Counsel for the respondents.

4. Learned counsel for the respondents submits that if the applications are made in the prescribed format to the Town Vending Committee, the Committee would take care of the said applications and decide the same, on its own merits and in accordance with law, within the time frame, that may be stipulated by this Court.

5. Considering the limited scope of the prayer sought in these writ petitions and having regard to the aforesaid stand taken by the respondent Corporation through the learned Standing Counsel for the Corporation, this Court is inclined to dispose of these writ petitions with the following orders:



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(i) There shall be a direction to the Town Vending Committee to decide the applications filed by the petitioners dated 07.11.2023 in the prescribed format and decide the same, on its own merits and in accordance with law, within a period of three months from the date of receipt of a copy of the order;

(ii) 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.

(iii) 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

(iv) 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 a copy of the order. Till such time, if any shop/bunk has already been possessed by the petitioners, the same can be verified, if so, that shall not be disturbed.



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6. These writ petitions, accordingly, stand disposed of. There shall be no order as to costs.

(R.S.K., J.) (A.D.J.C., J)
08.08.2024

Neutral Citation:Yes/No

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To:

1. The Commissioner
Corporation of Chennai, Rippon Building
Chennai – 600 003.
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Chennai – 600 034.



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

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