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WP.No.33704/2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.11.2024

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

WP.No.33704/2019 & WMP.No.34185/2019

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... Petitioner

Versus

1.The Commissioner
Corporation of Chennai
Rippon Buildings,
Poonamallee High Road
Chennai.

2.The Executive Engineer/Chairman
Vending Committee, Zone-IX
Greater Chennai Corporation
No.1, Lake Area 4th Cross Street
Nungambakkam, Chennai 600 034.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari calling for the records of the impugned passed by the 2nd respondent in proceedings No.Z.O.IX.C.No.Div/111/13220/2019 dated 31.10.2019 and consequently quash the same.



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For Petitioner : Mr.L.Chandrakumar
For Respondents : Mrs.P.T.Ramadevi
Standing counsel

ORDER

- (1) The writ petition has been filed in the nature of a writ of certiorari seeking records relating to the order of the 2nd respondent, Executive Engineer/Chairman, Vending Committee, Zone-IX, Greater Chennai Corporation, Chennai, in proceedings No. Z.O.IX.C.No.Div/111/13220/2019 dated 31.10.2019 and quash the same.
- (2) In the affidavit filed in support of the writ petition, it had been stated that petitioner is physically challenged with 85% disability and was running a Bunk Shop near Alamadhiyar Centre at the Junction of Haddows Road, 1st Street, Chennai. He was selling biscuits, tea and coffee in the said Bunk shop. He had been running the same from the year 2009. The 1st respondent, Commissioner, Chennai Corporation had not granted license to the petitioner. The petitioner filed WP.No.3734/2012 and by an order dated 17.02.2012, the petitioner



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was directed to approach the 1st respondent seeking grant of license.

It had been stated that the petitioner had sent representations ; but the 1st respondent had not passed any order.

- (3) In the meanwhile, the 2nd respondent had passed the order which is impugned in the writ petition wherein, reference was drawn to an earlier writ petition in WP.No.13222/2014 wherein a learned Single Judge of this Court, by order dated 18.01.2019, had stated that those affected and seeking licenses for Bunk Shops should submit applications before Town Vending within the stipulated period. Procedure for disposal of such application had also been given by the learned Single Judge. In effect, by the impugned order, the petitioner was directed to approach the Town Vending Committee as directed in WP.No.13222/2014.
- (4) The petitioner has filed the present writ petition questioning such direction issued by the 2nd respondent. This direction of the learned Single Judge had been approved by the Division Bench in a common order dated 08.08.2024 in WP.Nos.6295, 6300 and 6303/2024, wherein the Division Bench had stated that anybody who require



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licenses for doing business in Bunk Shops, should apply to Town Vending Committee which had been reconstituted by the Government in G.O.[4D].No.29, Municipal Administration and Water Supply [MC-2] Department dated 07.08.2023.

- (5) The petitioner naturally will have to apply before the said Town Vending Committee seeking permission to run the bunk shop.
- (6) Learned counsel for the respondents stated that the Town Vending Committee had been constituted and is functioning.
- (7) The writ petitioner is therefore directed to file proper application before the Town Vending Committee and I am confident that they would take up the issue in manner known to law and in accordance with law and Rules and guidelines. No further direction is required.
- (8) The writ petition stands **disposed of** with liberty to the petitioner herein. No costs. Consequently, connected miscellaneous petition is closed.

08.11.2024

AP

Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No



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C.V.KARTHIKEYAN, J.,



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