

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2015

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The Hon'ble MR.JUSTICE T.S.SIVAGNANAM

W.P.No.25246 of 2014

Kattidam Mattrum Pothu Thozhilalar Sangam
(Affiliated to CITU)
Registration No.5/VRP,
rep. by its General Secretary,
No.3, Ramson Building,
Near Kannan Theater,
East Pondy Road,
Villupuram-605 602.

... Petitioner

-vs-

1. Government of Tamil Nadu,
rep. by its Secretary to Government,
Department of Housing and Urban Development,
Fort St. George,
Chennai-600 009.
2. The District Collector,
Villupuram District,
Villupuram.
3. The Superintending of Police,
District Police Office,
Villupuram.
4. The Commissioner,
Villupuram Municipality,
Villupuram.
5. The Divisional Engineer,
Highways Department,
Villupuram.

... Respondents

Petition filed under Article 226 of the Constitution of India
praying for issue of Writ of Mandamus directing the respondents to
permit the Members of the Petitioner's Sangam on the streets of
Villupuram as detailed in the Annexure filed herewith, to carry on

hawking in terms of the National Policy on Urban Street Vendors, 2009 as enunciated by the Hon'ble Supreme Court in its decision reported in 2014 (1) SCC 490 in accordance with Article 144 of the Constitution of India and as per the provisions of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014.

For Petitioner : Mr.Balan Haridas

For Respondents : Mr.STS.Moorthy
Government Pleader

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The affidavit dated 17.04.2015 filed by respondent No.4 states that a Joint Committee Meeting was held with all the stakeholders and it was assured by the representative of the petitioner's association that they will discuss the issue and select suitable place for their hawking out of six options given to them, as enumerated in paragraph 2 of the affidavit. Thereafter also, the representative of the petitioner's association requested time to finalise the alternative sites and ultimately, three locations were agreed to with request of time to shift up to 08.04.2015, as per paragraph 4 of the affidavit. Despite that, shifting did not taken place, resulting forcible eviction with the help of police on 16.04.2015 and it is stated that the roads are now free of encroachment and flow of traffic is maintained.

2. In our view, it is the bounden duty of the respondent authorities to continue the situation by regulating and monitoring, as the alternative sites have been afforded and it is for the hawkers to choose where in the alternative sites, they will settle down.

3. In view of the aforesaid, W.P.No.25246 of 2014 stands disposed of and no further orders are required in W.P.No.6977 of 2013, which was called for and shown in the cause list, except to maintain the position at the location. No costs.

4. It is made clear that in case the respondent authorities permit any future encroachments, the same shall be under the pain of contempt.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Department of Housing and Urban Development,
Fort St. George,
Chennai-600 009.
2. The District Collector,
Villupuram District,
Villupuram.
3. The Superintending of Police,
District Police Office,
Villupuram.
4. The Commissioner,
Villupuram Municipality,
Villupuram.
5. The Divisional Engineer,
Highways Department,
Villupuram.

+1cc to Mr.Balan Haridas, Advocate, S.R.No.21662
+1cc to Mr.N.Suresh, Advocate, S.R.No.21731
+1cc to the Government Pleader, S.R.No.21805

W.P.No.25246 of 2014

SU(CO)
CA(12/05/2015)

सत्यमेव जयते

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