

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE B. RAJENDRAN

W.P. No.32104 of 2015 and M.P. No. 1 of 2015

E.Selvakumar

Petitioner

Vs

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

2 The Commissioner of Police
Greater Chennai
EVK Sampath Road
Vepery, Chennai 600 007

Respondents

Writ Petition filed under Article 226 of the Constitution seeking a writ of mandamus directing the respondents to consider and pass orders on the petitioner's representation dated 25.08.2015 as per the provisions of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 and till final decision is taken thereon, forbearing the respondents and their subordinates in any manner evicting or disturbing the bunk shop run by the petitioner at Chockkalingam Street, Nungambakkam, Chennai - 34.

For petitioner Mr. S. Pushpakaran

For R1 Mr. A. Nagarajan, Standing Counsel

For R2 Mrs.A.Srijayanthi, Spl. Govt. Pleader

ORDER

(delivered by SATISH K. AGNIHOTRI,J.,)

Mr. A. Nagarajan, learned Standing Counsel, accepts notice for the first respondent. Mrs. A. Srijayanthi, learned Special Government Pleader, accepts notice for the second respondent. With consent, the writ petition is taken up for final disposal, at the admission stage itself.

2 This writ petition is filed seeking a writ of mandamus directing the respondents to consider and pass orders on the petitioner's representation dated 25 August 2015 as per the provisions of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (for short "the Act") and

till final decision is taken thereon, forbearing the respondents from in any manner evicting or disturbing the bunk shop run by the petitioner at Chockkalingam Street, Nungambakkam, Chennai 600 034.

3 The question involved in this writ petition, i.e., whether the persons, who are stated to be vendors/hawkers engaged in street vending, as defined under Section 2(1) of the Act, are entitled to safeguard and protection, till the provisions of the Act, are implemented fully, came into consideration in B.Noor Ahmed and 48 others vs. State of Tamil Nadu represented by its Secretary, St.George Fort, Chennai - 9 and 3 others¹ and a Division Bench of this Court, wherein, one of us (Satish K. Agnihotri, J.) was a Member, allowed the said batch of writ petitions vide order dated 30 September 2015, in the following terms:

"27 In such view of the matter, the State Government is directed to frame the rules and bye-laws, thereafter, at the earliest to extend sufficient protection, subject to regulations made therein, to all the street vendors/hawkers.

28 The vendors are protected under the statutory provision, viz, sub-section (3) of Section 3 of the Act and as such, till the Town Vending Committee is constituted under the provisions of the Act and a survey is made thereon, in accordance with the scheme, which is yet to be framed, the petitioners / the members of the petitioner associations, shall not be evicted from their place of business or trade.

29 We further direct that the petitioners/members of the petitioner associations shall not increase the size of their shops and spread the periphery of the same by littering goods and articles sold by them in the course of their trade/business.

The writ petitions are allowed to the extent indicated above. Costs made easy. Connected Miscellaneous Petitions are closed."

4 Since the petitioner is similarly-situated, he is also entitled to the protection as laid down by this Court in B.Noor Ahmed¹.

5 Accordingly, this writ petition stands allowed in the same terms. No costs. Connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CS IV)

/true copy/
Sub Asst. Registrar

cad

¹ W.P.Nos.18397 of 2014 etc. batch

To

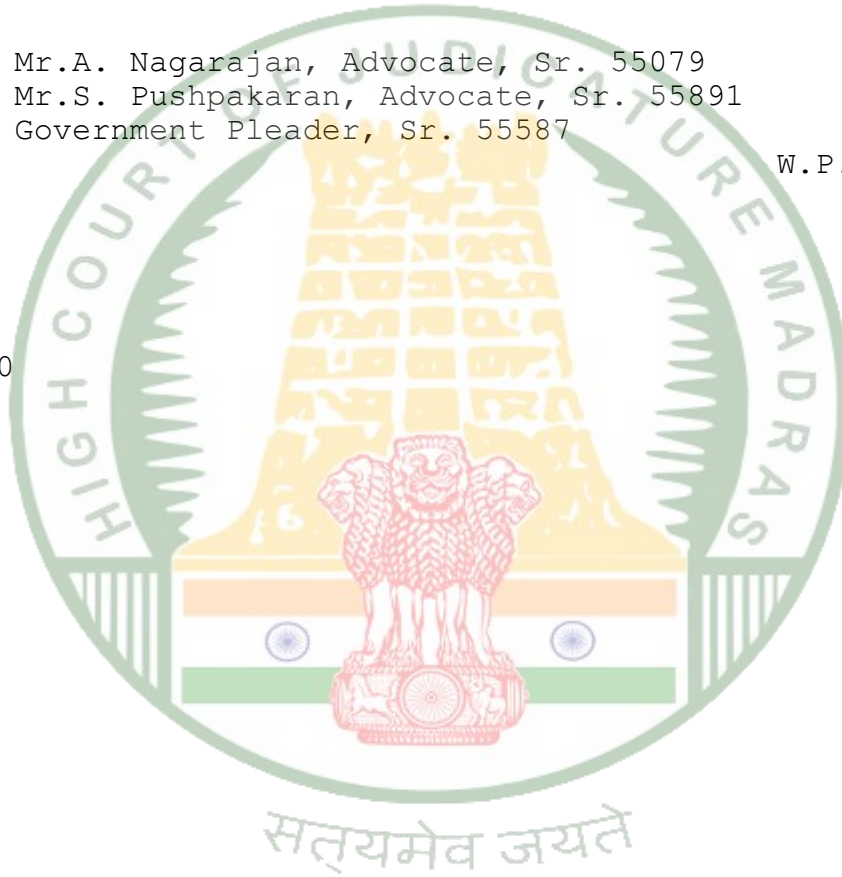
1 The Commissioner
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2 The Commissioner of Police
Greater Chennai
EVK Sampath Road
Vepery
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1 cc to Mr.A. Nagarajan, Advocate, Sr. 55079
1 cc to Mr.S. Pushpakaran, Advocate, Sr. 55891
1 cc to Government Pleader, Sr. 55587

W.P. No.32104 of 2015

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