

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE P. DEVADASS

W.P. No.37960 to 37962 of 2015 and M.P. Nos. 1 of 2015

K. Viswanatha

Petitioner
(In WP No.37960/2015)

Ravi

Petitioner
(In WP No.37961/2015)

Jeeva

Petitioner
(In WP No.37962/2015)

Vs

1. The State Commissioner for
Differently Abled,
O/o State Commissioner for
Differently Abled,
J.N. Ring Road,
Chennai 600 078.

2. The Secretary to Government,
Local Administration Department,
Government of Tamilnadu,
Fort St. George, Chennai 600 009.

3. The Commissioner
Corporation of Chennai
Ripon Buildings
Chennai 600 003

Respondents
(In all the W.Ps.)

Writ Petition in WP No. 37960 of 2015 filed under Article 226 of the Constitution seeking a writ of mandamus forbearing the 3rd respondent, their officials, servants from in any manner interfering with the running of the petitioner's bunk shop opposite to Wipro Ltd., Gate No.2, CDC2, Old Mahabalipuram Road, Sholinganallur, Chennai 600 119.

Writ Petition in WP No. 37961 of 2015 filed under Article 226 of the Constitution seeking a writ of mandamus forbearing the 3rd respondent, their officials, servants from in any manner interfering with the running of the petitioner's bunk shop at Ambit Park Salai, opposite to Ambit building compound, Ambattur Estate, Chennai 600 058 by selling tea, coffee and food items.

Writ Petition in WP No. 37962 of 2015 filed under Article 226 of the Constitution seeking a writ of mandamus forbearing the 3rd respondent, their officials, servants from in any manner interfering with the running of the petitioner's bunk shop opposite to Aryas Hotel, Near Anand Bhavan, Metro Water Compound, Jawaharlal Nehru Road, Chennai 600 107, wherein selling Tea, Coffee and Food items.

For petitioner/s	Mr. L. Chandrakumar for
	Mr. R. Kamaraj
For R1 & R2	Mr. N. Sakthivel, Government Advocate
For R3	Mr. A. Nagarajan

COMMON ORDER

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

Mr. N. Sakthivel, learned Government Advocate, accepts notice for the respondents 1 and 2. Mr. A. Nagarajan, learned counsel, accepts notice for the third respondent. With the consent of the learned counsel for the parties, the writ petitions are taken up for final disposal, at the admission stage itself.

2 These writ petitions are filed seeking a writ of mandamus forbearing the third respondent, their officials or servants from in any manner interfering with the running of the respective bunk shop by the petitioners.

3 The question involved in these writ petitions, 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 this Division Bench 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 petitioners are similarly-situated, they are also entitled to the protection as laid down by this Court in B.Noor Ahmed¹.

5 Accordingly, these writ petitions stand allowed in the same terms. No costs. Connected Miscellaneous Petitions are closed.

WEB COPY

/TRUE COPY/

Sd/
ASSISTANT REGISTRAR (CO)

SUB-ASSISTANT REGISTRAR

ra

1 W.P. Nos.18397 of 2014 etc. batch

To

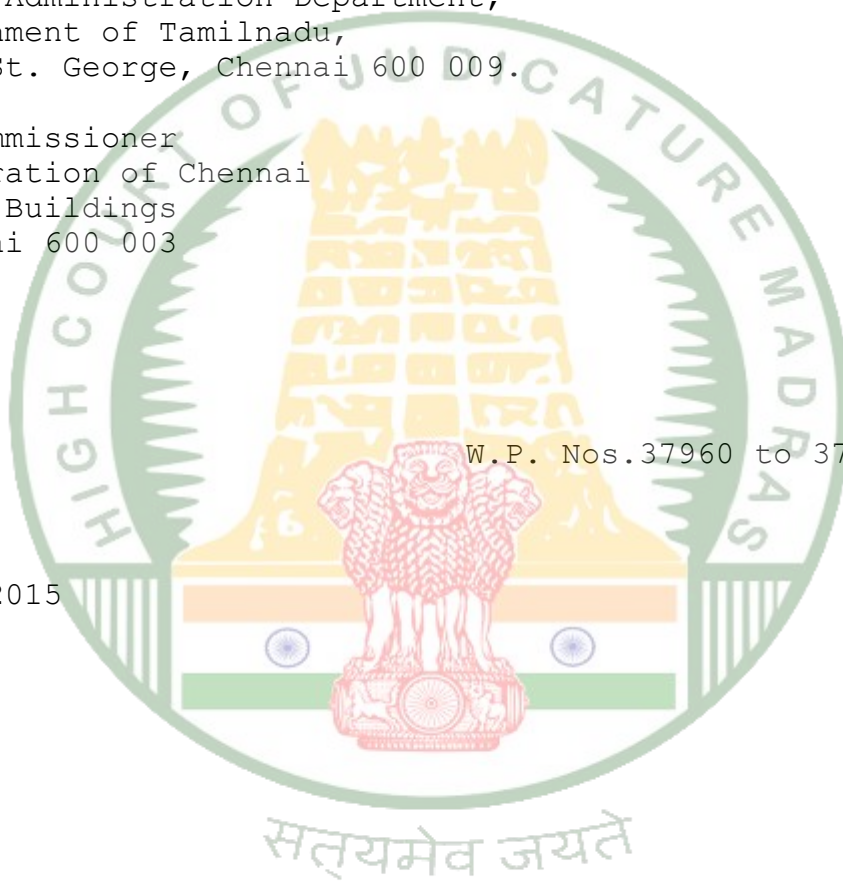
1. The State Commissioner for
Differently Abled,
O/o State Commissioner for
Differently Abled,
J.N. Ring Road,
Chennai 600 078.

2. The Secretary to Government,
Local Administration Department,
Government of Tamilnadu,
Fort St. George, Chennai 600 009.

3. The Commissioner
Corporation of Chennai
Ripon Buildings
Chennai 600 003

W.P. Nos.37960 to 37962 of 2015

CO-AK
JD 15/12/2015



WEB COPY