

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2015

CORAM:

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

W.P. No.39248 of 2015

and

M.P. No. 1 of 2015

P. Subbulakshmi ..Petitioner

Vs.

1. The Commissioner,
Chennai Corporation,
Ripon Building, Chennai 600 003.
..Respondent

Writ Petition filed under Article 226 of the Constitution seeking a writ of mandamus directing the respondent to place the petitioner representations dated 31.08.2015 and 7.10.2015 before the Town Vending Committee to be constituted by the Government and grant permission to continue running the bunk shop at Royapettah Hospital near out gate within a time frame and till such time not to disturb / harass the petitioner by the Respondent, its men, agent or anybody claiming in any way through them in running the bunk shop.

For Petitioner : Mr.S.M.Karthikeyan

For Respondent : Mr.A. Nagarajan

ORDER

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

Mr. A. Nagarajan, learned counsel, accepts notice for the respondent. With the consent of the learned counsel for the parties, 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 respondent to place the petitioner's representations dated 31.08.2015 and 7.10.2015 before the Town Vending Committee to be constituted by the Government and grant permission to run the bunk shop continuously at Royapettah Hospital near out gate within a time frame and, till such time, not to disturb the petitioner by the Respondent or anybody claiming through him in running the bunk shop.

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 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, she 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.

ra

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Commissioner, Corporation of Chennai,
Ripon Building, Chennai 600 003.
- + 1 CC TO Mr.S.M.Karthikeyan,Advocate Sr 67345.
- + 1 cc to Mr.A. Nagarajan, Advocate Sr 67378.

KA/CO
KR/18/12

W.P. No.39248 of 2015



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