

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2016

CORAM

The HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

The HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.27173 of 2014

and

M.P.No.1 of 2014

Chennai Maanakar Siru Vyabarigal
Sangangalin Kootamaippu (Reg. No.245/1998)
rep. by its General Secretary,
No.88, Perambur Barracks Road,
Chennai-600 007. .. Petitioner

vs.

1.The Government of Tamil Nadu,
rep. by its Secretary,
Local Administration Department,
Fort St. George,
Chennai-600 009.

2.The Corporation of Chennai,
rep. by its Commissioner,
Ripon Buildings,
Chennai-600 003.

3.The Hawking Zone
Implementation Committee,
rep. by its Chairman,
Raja Annamalaipuram,
Chennai-28.

.. Respondents

PRAYER : Writ Petition filed under Article 226 of the
Constitution of India for issuance of a writ of mandamus
directing the respondents to constitute the Town Vending
Committee as laid down in Section 22 of the Street Vendors
Act, 2014 after duly considering the petitioner's request
dated 17.6.2014 and after giving the petitioner an
opportunity of hearing.

For Petitioner

: Mr.C.K.Chandrasekhar

For Respondents

: Ms.Vasudha Thiagarajan

Addl. G.P. for R1

Mr.V.C.Selvasekaran for R2

ORDER

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

The petitioner seeks a writ of mandamus directing the respondents to constitute the Town Vending Committee as laid down in Section 22 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (hereinafter referred to "the said Act").

2. In view of the Vending Committee having been constituted vide G.O. (4D) No.5, Municipal Administration and Water Supply (MCI) Department, dated 05.10.2016 and the Proceedings of the Commissioner of Corporation in RDC.No.007/2016, dated 1.11.2016 nominating the members of the Vending Committee, we are not inclined to maintain the writ petition and it is for the petitioner to approach the Vending Committee for obtaining the license.

3. The learned counsel for the petitioner, however, contends that the constitution of the Vending Committee is not as per Section 22 of the said Act, as sub-section (2), clause (d) provides for number of members representing the street vendors and their percentage on the Vending Committee with two provisos, giving rights of certain percentage to women vendors and to the Scheduled Castes, Scheduled Tribes and other Backward Classes, minorities and persons with disabilities from amongst the members representing street vendors.

4. The aforesaid is an aspect to be examined by the respondent authorities to ensure that the Vending Committee is constituted as per the provisions of the said Act. The respondent authorities to bestow consideration on the aforesaid issue within a period of one month from the date of the receipt of the copy of the order.

5. The writ petition, accordingly, stands disposed of. No costs. Consequently, M.P.No.1 of 2014 is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

bbr

To:

- 1.The Secretary,
Local Administration Department,
Fort St. George,
Chennai-600 009.
- 2.The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai-600 003.
- 3.The Chairman,
Hawking Zone Implementation Committee,
Raja Annamalaipuram,
Chennai-28.

- + 1 cc to Mr.R. Arunmozhi, Advocate Sr.72873
- + 1 cc to Master Ganesh, Advocate SR.73428
- + 1 cc to Mr.C.K. Chandrasekaran, Advocate SR.73093
- + 1 cc to Government Pleader Sr.72995

W.P.No.27173 of 2014

KSJ(CO)
Eu 23.12.16

WEB COPY