

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2016

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.28647 of 2014

1. P.Mathivanan
2. G.Lakshmanan
3. G.Mageswari
4. K.Thameem Ansari
5. K.Anandan ... Petitioners

vs.

1.The Government of Tamil Nadu,
rep. by its Chief Secretary,
Fort St. George, Chennai-600 009.
2.The Commissioner
Corporation of Chennai,
Ripon Buildings,
Chennai-600 003.
3.The Commissioner of Police
Office of the Commissioner of Police
Egmore, Chennai - 600 008. ... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondents to implement the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 and constitute Town Vending Committee as per Sections 22 to 26 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act 2014.

For Petitioners : Mr.S.Saravanan

For Respondents

: Mr.T.N.Rajagopalan
Spl. Government Pleader
for respondents 1 and 3

Mr.R.Arunmozhi, Standing
counsel for Corporation
for 2nd respondent

ORDER

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

The petitioners seek a writ of mandamus directing the respondents to implement the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 and constitute Town Vending Committee as per Sections 22 to 26 of 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 petitioners to approach the Vending Committee for obtaining the license.

3. The learned counsel for the petitioners, 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.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

To:

1.The Chief Secretary,
Government of Tamil Nadu,
Fort St. George, Chennai-600 009.

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

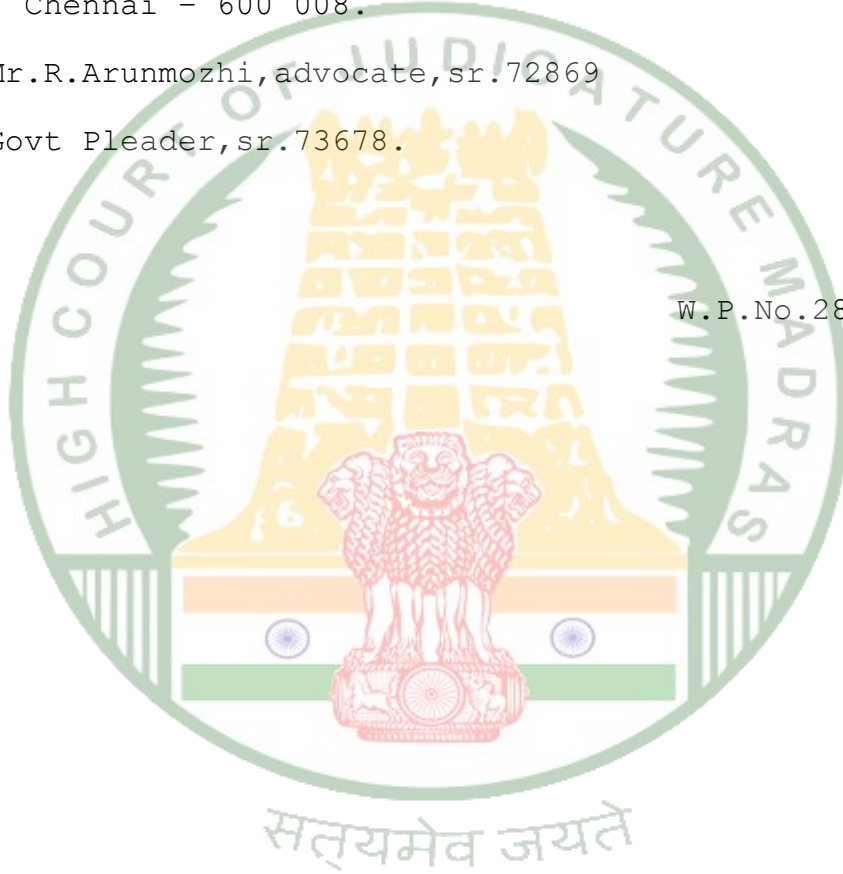
3.The Commissioner of Police
Office of the Commissioner of Police
Egmore, Chennai - 600 008.

+1 cc to Mr.R.Arunmozhi,advocate,sr.72869

+1 cc to Govt Pleader,sr.73678.

kk(co)
krd 26/12

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