

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH
and
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

Writ Petition No.26280 of 2016
and WMP.22531 of 2016

S.JoycePetitioner Vs.

1.The State of Tamil Nadu
Rep. By its Secretary to Government
St.George Fort
Chennai-600 009

2.The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai-600 003

3.The Commissioner of Police
Chennai City Police
Vepery
Chennai

4.The Secretary
Local Administration Department
Fort St.George
Chennai-600 003

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to implement Sections 3 and 4 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 and the consequent rules framed by the State of Tamil Nadu and to place the petitioner's representation dated 16.02.2015, before the Town Vending Committee constituted as per the above Act and conduct a survey of street vendors within a stipulated time as per the provision of the aforementioned Act and not to disturb the petitioner, from carrying on day to day business until the disposal of the petitioner representation dated 16.02.2015 and 22.06.2016 given to the respondents.

For Petitioner : Mr.J.Ashok

For Respondents : Mr.P.S.Sivashanmuga sundaram

Special Government Pleader
for R1, R3 and R4

Mr.A.Nagarajan for R2.

O R D E R

(Order of the Court was made by HULUVADI G. RAMESH,J.)

Heard the learned counsel for the petitioner, Mr.P.S.Sivashanmuga Sundaram, learned Special Government Pleader, who accepts notice on behalf of respondents 1, 3 and 4 and Mr.A.Nagarajan, who accepts notice on behalf of the 2nd respondent.

2. The issue raised in the writ petition relates to the regulation of street vendors/hawkers and in this context the Apex Court, in the case of Maharashtra Ekta Hawkers Union and another v. Municipal Corporation, Greater Mumbai and others, (2014) 1 SCC 490, more particularly in paragraph 21.15, has observed that all the existing street vendors/hawkers operating across the country shall be allowed to operate till the exercise of registration and creation of vending/hawking zones is completed in terms of the 2009 Policy. Once that exercise is completed, they shall be entitled to operate only in accordance with the orders/directions of the Town Vending Committee concerned.

3. However, the case of the petitioner has to be considered by the Vending Committee constituted in this regard on her establishing prima facie the running of the business in the areas in question. In these circumstances, since the Town Vending committee has been vested with the power to take a decision in accordance with law to save the interest of the persons who are vending on the streets as hawkers on the basis of the report of the Corporation or police officials and any other evidence available, without expressing anything on merit, we dispose of the writ petition with liberty to the parties, namely, the petitioner, the contesting respondents as well as the Corporation to approach the Vending Committee constituted in this regard by the Government and to raise all the contentions before such Committee on the basis of the reports of the official respondents and on such representation, it is for the Vending Committee to take a decision in accordance with law as to the entitlement of the petitioner, within a period of two months from the date of receipt of a copy of this order, on

hearing the parties. Consequently, W.M.P.No.22531 of 2016 is closed. No costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

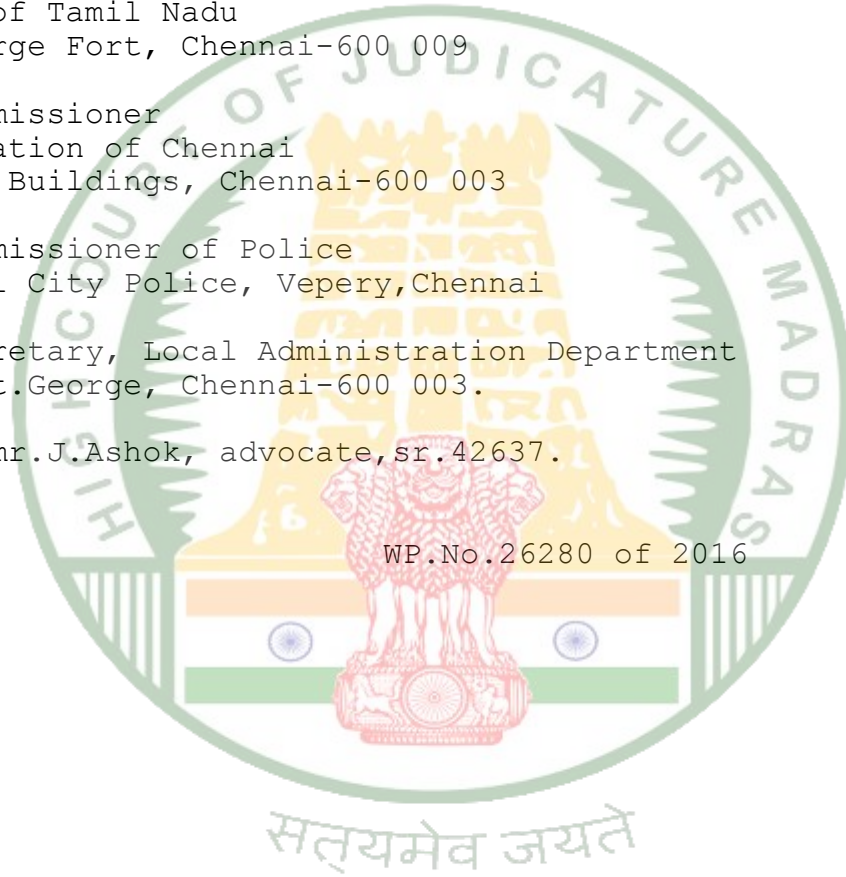
To

- 1.The Secretary to Government
State of Tamil Nadu
St.George Fort, Chennai-600 009
- 2.The Commissioner
Corporation of Chennai
Rippon Buildings, Chennai-600 003
- 3.The Commissioner of Police
Chennai City Police, Vepery, Chennai
- 4.The Secretary, Local Administration Department
Fort St.George, Chennai-600 003.

+1 cc to mr.J.Ashok, advocate, sr.42637.

msm(co)
krd 23/8

WP.No.26280 of 2016



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