

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 8.8.2016

CORAM

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

W.P.No.27478 of 2016
and
W.M.P.No.23674 of 2016

C.Thilagavathy
(Mentally Retarded)
Rep. by her Mother and
natural guardian Mrs.C.Indhira

Petitioner

Versus

- 1 State of Tamil Nadu
Rep. by its Secretary to Government
Local Municipal Administration Department
Fort St. George Chennai-600 009.
- 2 The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai-600 003.
- 3 The Inspector of Police (Traffic)
K-3 Aminjikarai Police Station
Chennai.

Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents herein to constitute the Town Vending Committee as per sections 3 & 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 17.03.2016 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 afore mentioned Act and not to disturb the petitioner, from carrying on day to day business until the disposal of the petitioner's representation dated 17.03.2016 and 22.07.2016 given to the respondents.

For petitioner : Mr.J.Ashok

For RR1 and 3 : Mr.R.Prathapkumar, AGP

For R2 : Mr.A.Nagarajan

ORDER

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

Heard the learned counsel appearing for the petitioner, Mr.R.Prathapkumar, learned Additional Government Pleader for respondents 1 and 2 and Mr.A.Nagarajan, learned counsel for the second respondent, who accepts notice on behalf of them.

2. The writ petition has been filed seeking issuance of a writ of mandamus directing the respondents herein to constitute the Town Vending Committee as per sections 3 & 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 17.03.2016 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 afore mentioned Act and not to disturb the petitioner, from carrying on day to day business until the disposal of the petitioner's representation dated 17.03.2016 and 22.07.2016 given to the respondents.

3. The petitioner is a permanently disabled lady, represented by her aged mother and it appears that initially licence was granted to her to run a bunk shop near Anna Siddha Hospital's first gate, Arumbakkam, Chennai in the year 1994, however, it was not renewed later and she runs the shop on wheels. Claiming protection as per the provisions of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act 2014, the petitioner had submitted two representations dated 17.3.2016 and 22.7.2016 and since it was not considered by the authorities, she has come up with the present writ petition.

4. Indisputably, it is for the authorities to consider the case of the petitioner as per the provisions of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act 2014. Therefore, pending disposal of the application for allotment/regularisation of the licence to run the shop, on consideration by the Vending Committee and a decision has been taken by the said Committee, the respondent-authority or police shall not take coercive action against the petitioner. The writ petition is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

To:

1 State of Tamil Nadu
Rep. by its Secretary to Government
Local Municipal Administration Department
Fort St. George Chennai-600 009.

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

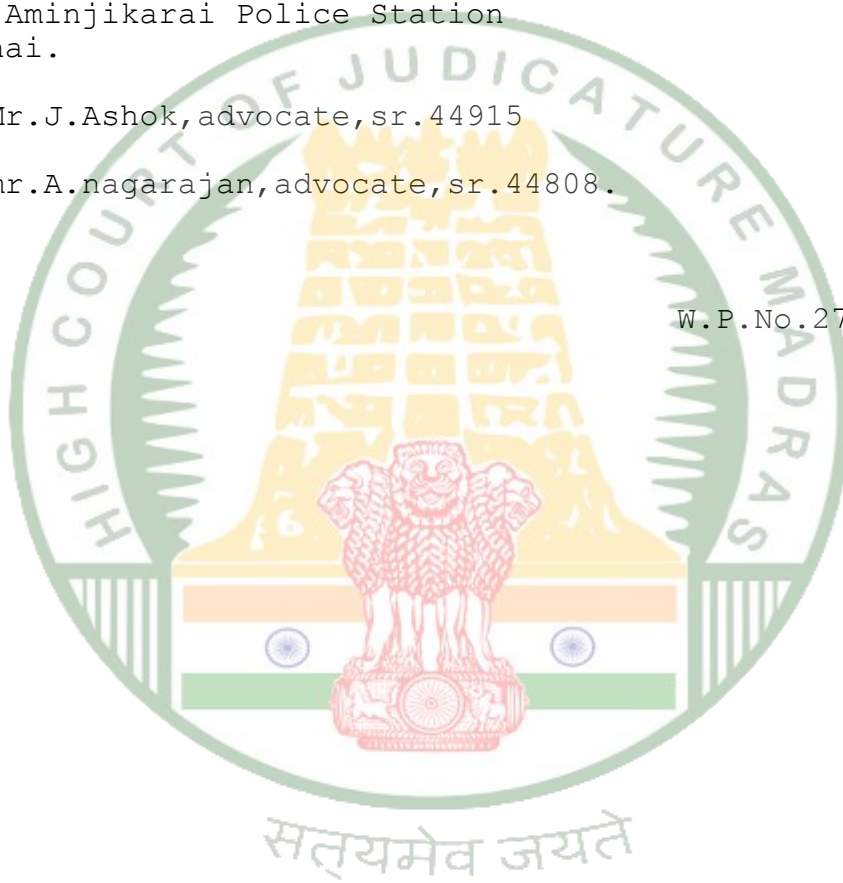
3 The Inspector of Police (Traffic)
K-3 Aminjikarai Police Station
Chennai.

+1 cc to Mr.J.Ashok,advocate,sr.44915

+1 cc to mr.A.nagarajan,advocate,sr.44808.

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