

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M. DURAISWAMY

W.A. No.7 of 2016 and C.M.P. No.96 of 2016

The Commissioner
Villupuram Municipality
Villupuram

Appellant/
3rd Respondent

vs.

- 1 Villupuram Salai Ora Viyabarigal
Pothu Nala Sangam (Regn. No.31/2015)
represented by its President
No.131, M.G. Road, Villupuram
- 2 Government of Tamil Nadu
represented by its Secretary
Municipal Administration Department
Fort St. George, Chennai 600 009
- 3 The District Collector
Villupuram District, Villupuram

Respondents/
Petitioner/
Respondents 1 & 2

Writ Appeal filed under Clause 15 of the Letters Patent
challenging the order dated 20.10.2015 passed in W.P. No.33942
of 2015.

Prayer in W.P.No.33942 of 2015:- Writ petition filed under
Article 226 of the Constitution of India for issuance of a writ
of mandamus directing the respondents to consider the
representation made by the petitioner association dated
16.10.2015 by regulating the street vending / hawking trade in
M.G.Road Badhusha Street and Nehru Street at Villupuram Town
and further direct the respondents to constitute Town vending
committee as per the Street Venders (Protection of Livelihood &
Regulation) Act 2014.

For appellant Mr. S.T.S. Murthi
Government Pleader

JUDGMENT

(delivered by SATISH K. AGNIHOTRI, J.)

The instant intra-Court appeal emanates from the order dated 20 October 2015 rendered in W.P. No.33942 of 2015.

2 The identical issue as to whether the street vendors are protected under the provisions of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, till rules and bye-laws in this regard are framed and Vending Committee is constituted, came up for consideration before a Division Bench of this Court, wherein, one of us (Satish K. Agnihotri, J.) was a Member, in B. Noor Ahmed and Others vs. State of Tamil Nadu, represented by its Secretary, Chennai - 9 and others¹. The said Bench allowed the 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."

3 The identical issue fell for consideration in the instant writ petition, wherein, the learned Single Judge passed the following order:

9. Accordingly, the writ petition is disposed of with the following direction:

"The third respondent, viz., the Commissioner, Villupuram Municipality, Villupuram, is hereby

directed to consider the representation of the petitioner association dated 16.10.2015 by regulating the street vending / hawking trade in M.G. Road, Badhusha Street and Nehru Street at Villupuram Town and also to constitute Town Vending Committee as per the Street Vendors (Protection of Livelihood and Regulations) Act, 2014 within a month from the date of receipt of a copy of this order. Till such time, let the petitioners association be permitted to sell their commodities in the same place, in which they are doing their business subject to due restrictions. Consequently, connected Miscellaneous Petition is closed."

4 Inasmuch as the issue involved in the case on hand and the issue involved in the batch of writ petitions in B. Noor Ahmed (supra) is one and the same, the street vendors are protected till rules and bye-laws are framed and Vending Committee is constituted. Accordingly, no further direction is necessary.

The writ appeal stands disposed of with the above observation. Costs made easy. Connected C.M.P. is closed.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

cad

To

1 The Secretary
Government of Tamil Nadu
Municipal Administration Department
Fort St. George, Chennai 600 009

2 The District Collector
Villupuram District
Villupuram

1 cc to Mr.S.T.S. Murthi, G.P. Sr. 2347

W.A. No.7 of 2016

GJ (CO)
kk 28/1