

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.3397 of 2016
& WMP.No.2778 of 2016

P.Ambika

... Petitioner

Vs.

1. The Government of Tamilnadu
Rep. by its Secretary,
Local Administration Dept.
Secretariat, Fort St. George,
Chennai- 600 009
2. The Commissioner
Corporation of Chennai,
Rippon Buildings, Chennai-3
- 3 The Commissioner Of Police
Greater Chennai, EVK Sampath Road,
Vepery, Chennai-7. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the second respondent to consider and pass orders on the petitioner representation dated 07.01.16 as per the provisions of Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act 2014 and till final decision is taken thereon forbearing the respondents and their subordinates in any manner evicting or disbursing the bunk shop run by the petitioner at of ***C.S.I.R.Road, by the side of TICEL BIO PARK Taramani Chennai.**

For Petitioner : M/s. S.Pushpakaran

For Respondents 1 & 3 : Mr.R.Vijayakymar, AGP

For Respondent-2 : Mr.P.V.Selvakumar

ORDER

Heard the learned counsel for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader accepting notice on behalf of the respondents 1 and 3 and Mr.P.V.Selvakumar, learned standing counsel for the second respondent and with their consent, the writ petition is taken up for final disposal at the admission stage itself.

2. Petitioner has filed this writ petition praying for a direction to consider her representation as per the provisions of Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act 2014. According to the learned counsel for the respondents, similar matters were considered by the Honourable Division Bench of this Court in B.Noor Ahmed and others vs. State of Tamil Nadu & Others in W.P.Nos.18397 of 2014 etc., batch and by an order dated 30.09.2015, the Honourable Division bench has disposed of the batch of cases with the following directions:

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."

In the light of the above, this writ petition is also allowed on the same lines as that of the order passed by the

Honourable Division Bench and the directions issued in those batch of cases will cover the petitioner's case also. Consequently, Miscellaneous Petition is also closed.

s/d-
Assistant Registrar(J)
Dated : 12.02.2016

***Corrected as per order dated
22.04.2016 in WMP.1009016
in W.P.No.3397 of 2016
Sd/-Assistant Registrar(CS II)
Dated : 27.04.2016**

True Copy

Sub-Assistant Registrar

smi

To

1. The Secretary,
Government of Tamilnadu
Local Administration Dept.
Secretariat, Fort St. George,
Chennai-600 009
 2. The Commissioner
Corporation of Chennai,
Rippon Buildings, Chennai-3
 3. The Commissioner Of Police
Greater Chennai, EVK Sampath Road,
Vepery, Chennai-7.
- + 1 cc to Govt.Pleader SR 6119
+ 1 cc to Mr.S.Pushpakaran, Advocate SR 5630
+ 1 c to Mr.P.V.Selvakumar, Advocate SR 5562

pur(co)
prk16/2

W.P.No.3397 of 2016

CA(28.04.2016)

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