

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE M.SUNDAR

W.P.Nos.43216 of 2016

and

W.M.P.No.37040 of 2016

Ramanathan Theru Usman Road
Kizhaku Paguthi Small Viyaparigal Sangam,
rep. by its Secretary,
Regn.No.175/2007,
New No.75, M.S.Complex,
Ranganathan Street, T.Nagar,
Chennai-600 017. .. Petitioner

-vs-

- 1.State of Tamil Nadu,
rep. by its Secretary to Government,
Municipal Administration and Water Supplies Department,
Fort St. George,
Chennai-600 009.
- 2.Director General of Police,
Police Head Quarters,
Kamarajar Salai,
Chennai-600 005.
- 3.Commissioner of Police,
Greater Chennai Police,
No.132, Commissioner Office Building,
EVK Sampath Road,
Vepery, Chennai-600 007.
- 4.Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai-600 003.
- 5.Inspector of Police (Law and Order),
R1 Mambalam Police Station,
No.1, Madley Road,
T.Nagar, Chennai-600 017.

6.Hawking Zone Implementation Committee,
(Committee constituted by the Hon'ble High Court, Madras)
rep. by its Chairman Justice A.Ramamurthy (Retd.)
7/6, R.A. Puram, 3rd Cross Street, R.A.Puram,
Chennai-600 028. .. Respondents

Writ Petitions filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus forbearing the respondents, their men, agents or anyone acting through them from preventing the members of the Petitioner Association whose names are given in the annexure to the writ petition from hawking in the Ramanathan Street, Eastern side of the Usman Road, Thyagaraya Nagar, Chennai-600 017 in any manner contrary to the judgment in W.P.No.18397 of 2014 and batch of cases dated 30.09.2015 in which the petitioner is party in W.P.No.25119 of 2014, wherein in terms of Section 3(3) of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, the respondents have been prevented from evicting the members of the Petitioner Association from their place of business or trade till the town vending committee is constituted.

For Petitioners : Mr.Balan Haridas
For Respondents : Mr.K.Soundararajan

ORDER

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

On hearing the learned counsel for parties and also perusing the judgment of the Division Bench of this Court, we are of the view that fundamentally the writ petition is based on an incorrect premise that the Vending Committee has not been constituted. The said Committee has been constituted by G.O. (4D) No.5, Municipal Administration and Water Supply (MCI) Department, dated 05.10.2016 and as per the Proceedings of the Commissioner of Corporation in RDC.No.007/2016, dated 01.11.2016 nominating the members of the Vending Committee. If the petitioners seek to obtain license, they must obtain from the Vending Committee. The protections which were granted from time to time were predicated on the inaction in bringing forth and implementing the provisions of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, as even the Committee was not constituted and the members were not nominated to the Committee, that position does not exist now.

2. In view of the aforesaid facts and circumstances, we are not inclined to entertain the writ petition.

3. The writ petition is dismissed. No costs. Consequently, W.M.P.No.37040 of 2016 is also dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government,
Municipal Administration and Water Supplies Department,
Fort St. George,
Chennai-600 009.
- 2.The Director General of Police,
Police Head Quarters,
Kamarajar Salai,
Chennai-600 005.
- 3.The Commissioner of Police,
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7/6, R.A. Puram, 3rd Cross Street, R.A.Puram,
Chennai-600 028.

+1cc to Mr.Balan Haridas, Advocate, S.R.No.72947
+1cc to Mr.K. Soundararajan, Advocate, S.R.No.72941
+1cc to the Government Pleader, S.R.No.72761

ug(CO)
md(22/12/2016)

W.P.No.43216 of 2016