

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 36448 of 2016

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India for the following relief:

“to issue an appropriate writ, order or direction more particularly one in the nature of Writ of mandamus declaring the action of Respondents in not implementing the provision of the Street Vendors (Protection of livelihood and regulation of street vending) Act 2014 and further interference of respondents without following due process of law as contemplated by the Act to be implemented and executed by the respondent as arbitrary, illegal and in violation of the fundamental rights guaranteed under the Constitution of India and to pass such other order or orders as this Hon'ble Court deems fit and proper in the circumstances of the case.”

2. Heard Sri M.A.Shakeel, learned counsel, appearing for the petitioners and learned Government Pleaders for Municipal Administration (TG) and Home (TG), appearing for the respondents.

3. According to the petitioners, petitioners are the street vendors and eking out their livelihood by street vending at Zaheerabad market, Zaheerabad, since more than ten years. The respondent authorities, without implementing the provisions of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, are harassing the petitioners by imposing penalties and throwing the good from the Carts and stalls etc.

4. Reiterating the averments made in the affidavit filed in support of the writ petition, learned counsel for the petitioners submits that the impugned action of the respondent authorities in harassing the petitioners is illegal, arbitrary, unconstitutional and against the principles and procedures laid down under the Street Vendors Act of 2014.

5. On the otherhand, it is vehemently submitted by the learned Government Pleader appearing for the respondents that the respondent authorities shall take necessary steps by strictly adhering to the provisions laid down under the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014.

6. In view of the above, without going into merits and demerits of the matter, this Writ Petition is allowed, with a direction to the respondents to take necessary steps by strictly adhering to the provisions laid down under the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014.

As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

JUSTICE CHALLA KODANDA RAM

October 27, 2016

LMV