

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 4.10.2017

CORAM

**THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN**

Contempt Petition No.952 of 2017

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

Petitioner/Petitioner

Versus

1. Mr.A.K.Viswanathan
Commissioner of Police,
Greater Chennai Police,
No.132, EVK Sampath Road,
Veppery, Chennai 600 007.
2. Mr.G.Prabhu,
Inspector of Police (L&O),
R-1 Mambalam Police Station,
No.1, Madley Road, T.Nagar,
Chennai 600 017.

Respondents/3rd &
5th Respondents

Prayer: Contempt Petition filed under Section 11 of Contempt of Court Act, 1971 to punish the respondents for wilful disobedience of the order of this court made in W.P.No.7333 of 2017 dated 28.3.2017.

For appellant
For Respondents

: Mr.K.Shanmugam
: Mr.K.Venkataramani,
Assisted by Mr.R.Pratapkumar,
Additional Government Pleader

ORDER

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

Heard the learned counsel appearing for the parties.

2. The contempt petition is filed contending that the order passed by this court in W.P.No.7333 of 2017 to the effect that a vending committee shall be formed to identify the place for the hawkers and form a scheme within a period of three months from the date of receipt of copy of the order and till then, the then position of the members of the petitioner-Association need not be disturbed, has been violated by the respondent police by way of preventing more than 100 members out of 257 members of the petitioner-Association from vending on streets.

3. Counter affidavit signed by the Joint Commissioner of Police, South Zone, Chennai on behalf of the first respondent-Commissioner of Police is filed. It is found from the counter that already when the petitioner association had approached this court by way of W.P.No.43216 of 2016, a direction was issued by this court to form a Vending Committee and the petitioner was advised to obtain licence from the Vending Committee and in the SLP filed by the petitioner association against such order, the Supreme Court had permitted the members of the petitioner association, who have not been already vacated and suppressing such things, the present writ petition had been filed. It is further found from para 26 of the counter affidavit filed by the police official that one G.Jafar Sathik, claiming to be the President of the petitioner-Association, tried to put up additional shops against the objections of the existing shop

keepers and intends to insert about 100 persons, who are not occupying any place as street vendors in the list prepared by him instead of the existing original members consisting of 232 in the Association. Further, in para 31 of the counter, it has been clarified that no vendor was either prevented or removed from hawking in the Street by the respondents. To be precise, the stand of the respondents is that they are not preventing the street hawkers, who are members of the petitioner-Association have the orders from this court, in their favour, provided such street vending is done without causing havoc to the general public and smooth flow of traffic in the locality, especially, the area viz., Usman Road being a busy locality with many commercial organisations and the police officials, as a part of their duty, are trying to prevent overflow of street hawking by any new entrant so as to maintain free flow of traffic and avoid any inconvenience to the general public.

4. Nowadays, no doubt, it has become rampant that in the guise of free- trading, mushroom-like street vendors are emerging and unless it is regulated, it would be very difficult for the free movement of the public and vehicles, which aspect cannot be neglected. However, the Government also shall consider the grievance of the street vendors, while maintaining the law and order and regulating the traffic system.

5. Therefore, recording the counter affidavit filed by the police official, the contempt petition is closed, however, making it clear that the police officials shall not cause any disturbance to the members of the petitioner Association, who

have interim protection, by way of orders from this court, in their favour, till a decision is taken by the Vending Committee and similarly, the petitioner Association also shall act with conscience and ensure that no new member or street vendor is included in the existing list of members, taking advantage of the interim protection from this court.

SD/-
JOINT REGISTRAR(OS)

ssk

//Certified to be true copy//

Dated at Madras this the day of 2017.

COURT OFFICER(O.S.)

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KR/CO/23/11/2017

To

1. Mr.A.K.Viswanathan
Commissioner of Police,
Greater Chennai Police,
No.132, EVK Sampath Road,
Veppery, Chennai 600 007.
2. Mr.G.Prabhu,
Inspector of Police (L&O),
R-1 Mambalam Police Station,
No.1, Madley Road, T.Nagar,
Chennai 600 017.

one cc to the Govt.Pleader, High Court,SR.No.11480

one cc to Mr.K.Shanmugam, Advocate, Sr.No.11545