



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.10.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.VENUGOPAL

AND

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD) No.19408 of 2017

and

W.M.P (MD) No.15720 of 2017

Tamil Nadu Street Vending Workers Federation,
represented by its Secretary
P.Nagendran(M.58/2017),
S/o.Palani,
5-A,Kasthuribai Nagar,
Melur, Madurai.

: Petitioner

.vs.

1. The Commissioner of Municipal Administration,
Department of Municipal Administration and Water Supply,
Fort St.George,
Chennai.
2. The Municipality Commissioner,
Melur Municipality,
Madurai District.
3. The Superintendent of Police,
Office of the Superintendent of Police,
Melur Range, Madurai District.
4. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Melur Range, Madurai District.
5. The Inspector of Police,
Melur Police Station,
Madurai District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying this Court for issuance of a Writ of Mandamus directing the respondents 4 and 5 not to disturb the street vendors for carrying on day to day business in Melur Town, Melur, Madurai District, and consequently to direct the second respondent to consider the representation submitted by the Petitioner dated 5.10.2017 in accordance with the Street Vendors(Protection of



livelihood and Regulation of Street Vending) Act, 2014 within the time stipulated by this Court.

For Petitioner : M/s.R.Alagumani
For Respondents : Mr.T.R.Janarthanan
Additional Govt.Pleader

WEB COPY

O R D E R

[Order of the Court was made by **M.VENUGOPAL, J.**]

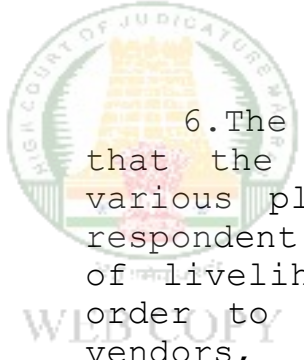
This Writ Petition has been filed seeking issuance of a Writ of Mandamus directing the respondents 4 and 5 not to disturb the street vendors for carrying on day to day business in Melur Town, Melur, Madurai District, and consequently to direct the second respondent to consider the representation submitted by the Petitioner dated 5.10.2017 in accordance with The Street Vendors (Protection of livelihood and Regulation of Street Vending) Act, 2014 within the time stipulated by this Court.

2.Heard both sides. No counter is filed on behalf of the respondents 1 to 5.

3.By consent, the main Writ Petition itself is taken up for final disposal.

4.According to the Petitioner/Federation, for the past 40 years, the street vendors surrounding the Melur Municipality are selling vegetables, fruits, ready-made dresses and small level stalls in a peaceful manner without any hindrance to the Public. Further, there is no traffic problem that has arisen in this regard. The categorical stand of the Petitioner/Federation is that the four-way constructed by the National Highways Authority is situating very near to Melur and most of the vehicles are plying in the direction Madurai-Trichy road and in the said four-way highway, the members of the Petitioner's Federation are doing vending business in and around Melur Bus Stand and Ganesh Theatre area.

5.The grievance of the Petitioner/federation is that on 5.10.2017 at about 11.00 a.m, the respondents 3 and 4 came to the vending area of the street vendors and forced them to vacate from their vending place. Further, the officials of the fourth respondent had seized the vendor's goods. On the same day, the vendors had given a representation before the second respondent in person and that apart, the Petitioner/Secretary has also given a representation and requested the second respondent to permit them to continue street vending and protect them from illegal <https://hcservices.com/egov/hcservices/> the respondents 4 and 5 and a copy of the representation, dated 5.10.2017 was submitted to the fourth respondent also.

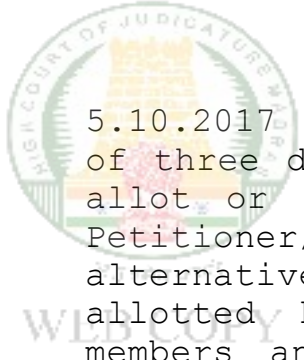


6. The learned counsel for the Petitioner/Federation contends that the vendors are carrying on street vending business at various places in Melur within the jurisdiction of the second respondent and as per Section 3 of the Street Vendors (Protection of livelihood and Regulation of Street Vending) Act, 2014, in order to ensure the dignity and the livelihood of the street vendors, the concerned Government authority has to form a Committee namely Town Vending Committee and as per Section 4 of the Act, the said Committee should conduct a survey of the street vendors and as per Section 18 of the Act enables to relocate and form a scheme for providing alternative place for the business. That apart, Section 27 of the Act speaks of 'Prevention of harassment by Police and other Authorities'. Also, the learned counsel refers to Section 33 of the Act 2014 which refers to 'this Act will have a over-riding effect'.

7. The main grievance of the Petitioner/Federation is that the representation submitted in person on 5.10.2017 before the second respondent was not considered by the said respondent. Hence the Petitioner/Federation has preferred the instant Writ Petition before this Court seeking necessary directions to be issued to the second respondent to consider the representation of the Petitioner, dated 5.10.2017 in accordance with the Street Vendors (Protection of livelihood and Regulation of Street Vending) Act, 2014.

8. In response, the learned Additional Government Pleader appearing for the respondents 1 to 5 submits that the Petitioner/Federation Secretary Mr. P. Nagendran is one of the Vending Committee members and he is very well aware of the relocation of the place namely 50 meters away from the main Road. Now, the alternative place was given at Melur Taluk Office Compound. Further, it is projected on the side of the respondents that on 3.10.2017 all the fruit shops have turned into a road-side shop and they have encroached upon the place like before and was causing hindrance to the general public. The learned Additional Government Pleader appearing for the respondents would also submit that the general pathway is very much disturbed because of the encroachment made by the street vendors in question.

9. Be that as it may, in view of the fact that the Petitioner/Federation has submitted a representation, dated 5.10.2017 before the respondents 2 and 5 and once-again another representation was submitted by the Petitioner/Federation through its Secretary addressed to the respondents 1 to 5 on 12.10.2017, this Court without going into the merits of the matter and also not traversing upon the contents of the representations so made by the Petitioner/Federation and also considering the facts and circumstances of the present case which floats on the surface, at this stage, simpliciter, directs the second respondent to look into the representations of the Petitioner/Federation, dated



5.10.2017 and 12.10.2017 and dispose of the same within a period of three days from today. It is open to the second respondent to allot or to offer an alternative place to the members of the Petitioner/Federation and other street vendors. If such alternative place is suggested by the second respondent or allotted by the second respondent, the Petitioner/Federation members and other street vendors shall continue to do their vending business in the new place without any hindrance to the general public whatsoever.

10. With the above said observation(s) and direction(s), the Writ Petition stands disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar (AD-II)

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner of Municipal Administration,
Department of Municipal Administration and Water Supply,
Fort St. George, Chennai.
2. The Municipality Commissioner,
Melur Municipality,
Madurai District.
3. The Superintendent of Police,
Office of the Superintendent of Police,
Melur Range, Madurai District.
4. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Melur Range, Madurai District.
5. The Inspector of Police,
Melur Police Station,
Madurai District.

+1cc to M/S. R. ALAGUMANI, Advocate, SR.No.82890.

ORDER MADE IN
W.P. (MD) No.19408 of 2017

and
W.M.P (MD) No.15720 of 2017
13.10.2017