

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:03.04.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM

W.P.No.7638/2018

A.Dhasagiriban

.. Petitioner

Vs

1.The Commissioner
Greater Chennai Corporation
Ripon Buildings, Chennai 600 003.

2.The Chairperson/Zonal Executive Engineer
Zone No.XIII, [The Township Vending
Committee], Greater Chennai Corporation
LB Road, Adyar, Chennai 600 020.

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondents to consider and pass orders on the petitioner's representation dated 26.03.2018 as per the provisions of the Street Vendors [Protection of Livelihood Regulation] Act, 2014, made for granting permission / Certificate of Vending and till such time, not to disturb with the running of the petitioner's Tender Coconut shop running in a tricycle opposite to Ishta Siddhi Vinaygar Temple, Kasthuriba Nagar 3rd Cross Road, Adyar, Chennai 600 020, wherein selling tender coconuts to the general public.

For Petitioner : Mr.A.Prakash

For RR 1 & 2 : Mr.K.Soundararajan

ORDER

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

By consent, the writ petition is taken up for final disposal. Mr.K.Soundararajan, learned Standing counsel accepts notice on behalf of the respondents.

2 The petitioner claims that he belongs to Hindu Adi Dravida Arundhadiyar Community and eking out his livelihood by

selling tender coconut in a mobile cart just opposite to "Ishta Siddhi Vinayagar" Temple, Indira Nagar, Adyar, Chennai-20, for the past 12 years and he would claim that he was doing the said business in Adyar area between 2001 and 2006. The claim made by the petitioner is that in view of the enactment of the Street Vendors [Protection of Livelihood Regulation] Act, 2014, and the rules and regulations framed thereunder, the Government has to form the Town Vending Committee and the Committee, in turn, shall declare a Zone or a part of which to be a No Vending Zone for any street vending purpose and can regulate the street vendors' vending in that area in such a manner as may be specified in the scheme.

3 It is the primordial submission of the learned counsel for the petitioner that the State Government is yet to formulate the Street Vending Committee and unless the said exercise is being done in accordance with the above said Act, the petitioner cannot be evicted from the present place of business and in this regard, he has also submitted a representation dated 26.03.2018 in terms of the provisions of the said Act to the 2nd respondent and in spite of receipt and acknowledgment, no response is forthcoming and in the interregnum, steps are being taken to evict him from the present place of business and therefore, the petitioner is constrained to approach this Court by filing the present writ petition.

4 Learned Standing Counsel appearing for the respondents would submit that necessary rules have been framed for the formulation of the Town Vending Committee and the Members of the Town Vending Committee are yet to be selected.

5 The Court has considered the rival submissions and also perused the materials placed before it.

6 It is pertinent to note at this juncture that though the Statutory Enactment, viz., the Tamil Nadu Street Vending [Protection of Livelihood Regulation] Act, 2014, came into existence as early as in the year 2014, the Corporation of Chennai, is yet to implement the said Act as well as the Rules and Regulations framed thereunder and this Court comes across very many cases by the alleged street vendors seeking protection, pending formulation of the Town Vending Committee and the identification of the Hawking / Vending Zone.

7 This Court can also take judicial notice of the fact that most of the platform, side walks of the main road are in occupation of persons said to be street vendors and thereby, hinder free movement of traffic. The above said Act came to be enacted in the light of the Judgment of the Hon'ble Apex Court to balance the interest of the street vendors as well as the

user public and unfortunately, the Corporation of Chennai is yet to implement the said Act in letter and spirit.

8 This Court, taking into consideration the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the 2nd respondent to consider and dispose of the petitioner's representation dated 26.03.2018 on merits and in accordance with law and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner and till such time, the 2nd respondent shall not disturb the possession of the petitioner. It is made clear that the petitioner, till the disposal of the representation, shall not expand or further encroach upon the platform and shall keep the place in and around his place of vending in a neat, tidy and sanitary condition.

9 The writ petition stand disposed of with the above direction. No costs.

10 The Commissioner, Corporation of Chennai, is directed to file a Status Report as to the implementation of the Street Vendors [Protection of Livelihood Regulation] Act, 2014, and the rules and regulations framed thereunder.

11 Call on 07.06.2018.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

ap

To

- 1.The Commissioner
Greater Chennai Corporation
Ripon Buildings, Chennai 600 003.
- 2.The Chairperson/Zonal Executive Engineer
Zone No.XIII, [The Township Vending
Committee], Greater Chennai Corporation
LB Road, Adyar, Chennai 600 020.

Copy to:-
The Section officer,
Writ section,
High Court Madras.

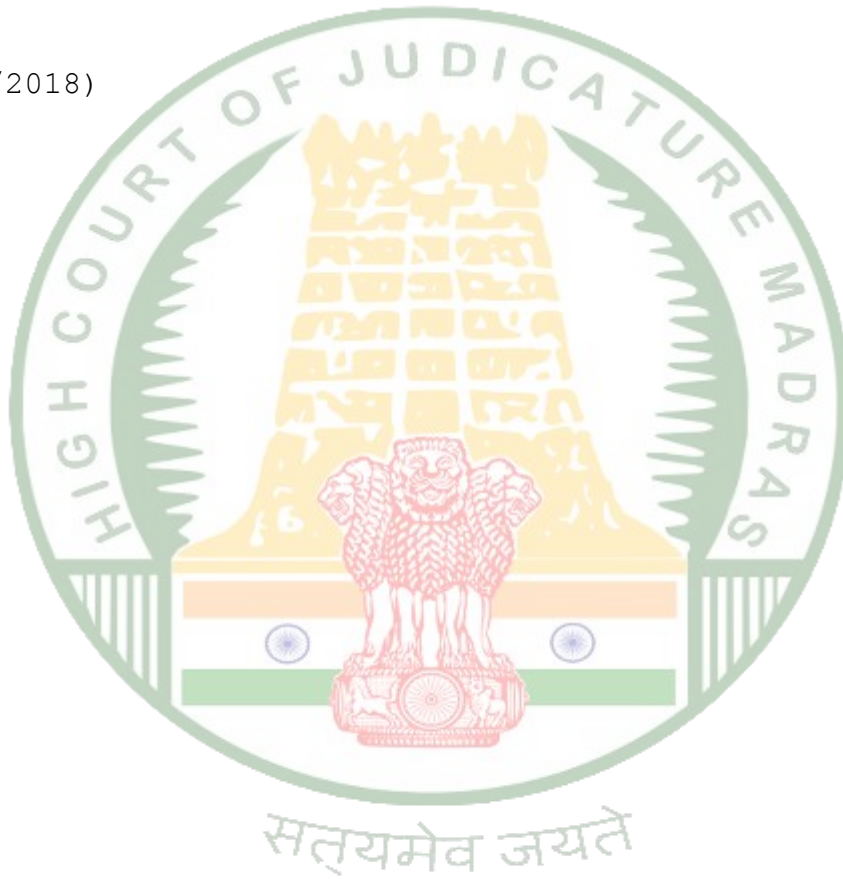
+1cc to Mr.A.Prakash, Advocate, S.R.No.24517

+1cc to Mr.K.Soundararajan, Advocate, S.R.No.24677

WP.No.7638/2018

NMI (CO)

RRK(18/04/2018)



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