

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2018

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.14986 of 2018
and WMP.No.17747 of 2018

Swamy Vivekanandar Salaiyora Sirukadai
Viyabarigal Sangam - T.Nagar Railway Border Road,
(Kizhakku Pakkam) (Registered Street Vendors Sangam)
Rep. By its President Mrs.K.Uma. ... Petitioner

Vs.

- 1.Secretary, Municipal Administration,
Government of Tamil Nadu,
Secretariat, St.George Fort,
Chennai-600 009.
- 2.Commissioner,
Municipal Corporation of Greater Chennai,
Ribbon Building, Chennai-600 003.
- 3.Zonal Executive Engineer,
Municipal Corporation of Greater Chennai,
New Zone X, Kodambakkam,
Chennai-600 024.
- 4.Commissioner of Police,
Chennai City, Vepery,
Chennai-600 007.
- 5.Inspector of Police (Law and Order),
R1, Mambalam Police Station,
T.Nagar, Chennai-600 017. ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 3rd respondent to consider the applications/representations dated 24.03.2018 and 27.03.2018 for the issuance of certificate of vending to the persons mentioned 28 street vendors of the aforesaid street vendors Sangam and forbear the respondents, their officers,

subordinates, or any other person acting under them from any manner interfering with the fundamental rights of the petition mentioned street vendors.

For Petitioners: Dr.E.Dharmaraj

For Respondents: Mr.R.Udhayakumar,
Additional Govt. Pleader for R1, R4 and R5

Mr.A.Nagarajan,
Standing Counsel for R2 and R3

O R D E R

(Order of the Court was made by M.SATHYANARAYANAN, J.)

By consent, this Writ Petition is taken up for final disposal.

2. The petitioner, who claims to be a member of the petitioner Association, would submit that they are hailing from poor and down trodden community and eking out their livelihood by selling articles on the road margin at T.Nagar Railway Border Road, for a quite long time and though they are entitled to the benefits of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, attempts are being made to dispossess them and in this regard, the petitioner Association had also submitted a representation dated 19.04.2018 to the second respondent and inspite of receipt and acknowledgement, no orders have been passed and in the interregnum, attempts are being made to illegally evict them and therefore, the petitioner Association is constrained to approach this Court by filing this Writ Petition.

3. The learned counsel appearing for the petitioner has drawn the attention of this Court to the typed set of documents and would submit that the members of the petitioner Association had already submitted Form-I for Enumeration of Street Vendors and unless the entire exercise is carried out in terms of the said Act, members of the petitioner Association cannot be dispossessed and therefore, prays for appropriate orders.

4. Per contra, Mr.A.Nagarajan, learned Standing Counsel who accepts notice on behalf of the respondents 2 and 3 would submit that before coming into force of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, enumeration has been done and taking advantage of the said Act, the members of the petitioner Association have encroached upon road margin very recently and prays for dismissal of this Writ Petition.

5. Heard Mr.R.Udhayakumar, learned Additional Government Pleader who accepts notice on behalf of the respondents 1, 4 and 5.

6. This Court has considered the rival submissions and also perused the entire materials placed before it.

7. Though the petitioner prays for larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim project by the petitioner either in this writ petitioner or in their representation, directs the Zonal Officer, Zone-X, Corporation of Chennai to consider and dispose of the representation submitted by the petitioner dated 19.04.2018 on merits and in accordance with law within a period of two weeks from the date of receipt of a copy of this order and till such time, shall defer further decision as to the removal of alleged encroachments. It is also made clear that the members of the petitioner Association, till the disposal of the representation, shall not sub-lease or create any third party rights in respect of the shops/vending units in their possession.

8. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

jvm
To

1. Secretary, Municipal Administration,
Government of Tamil Nadu,
Secretariat, St.George Fort,
Chennai-600 009.
2. Commissioner,
Municipal Corporation of Greater Chennai,
Ribbon Building, Chennai-600 003.
3. Zonal Executive Engineer,
Municipal Corporation of Greater Chennai,
New Zone X, Kodambakkam,
Chennai-600 024.

4. Commissioner of Police,
Chennai City, Vepery,
Chennai-600 007.

5. Inspector of Police (Law and Order),
R1, Mambalam Police Station,
T.Nagar, Chennai-600 017.

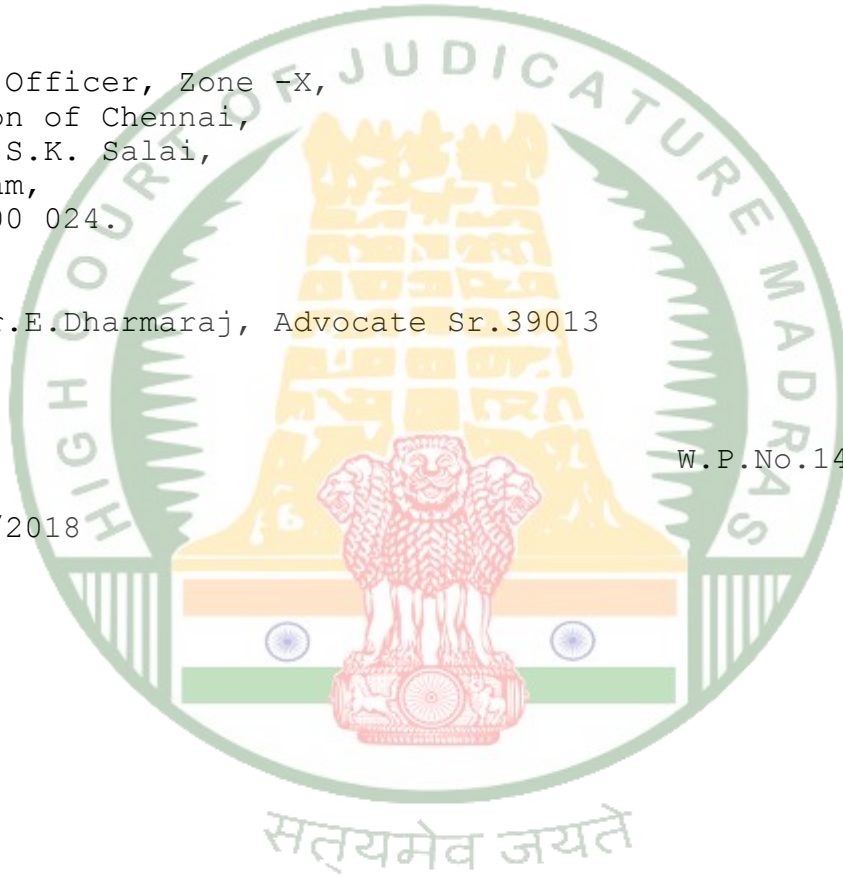
Copy to:

The Zonal Officer, Zone -X,
Corporation of Chennai,
No.117, N.S.K. Salai,
Kodambakkam,
Chennai-600 024.

+1cc to Dr.E.Dharmaraj, Advocate Sr.39013

W.P.No.14986 of 2018

srg 28/06/2018



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