

IN THE HIGH COURT OF JUDICATURE AT MADRAS

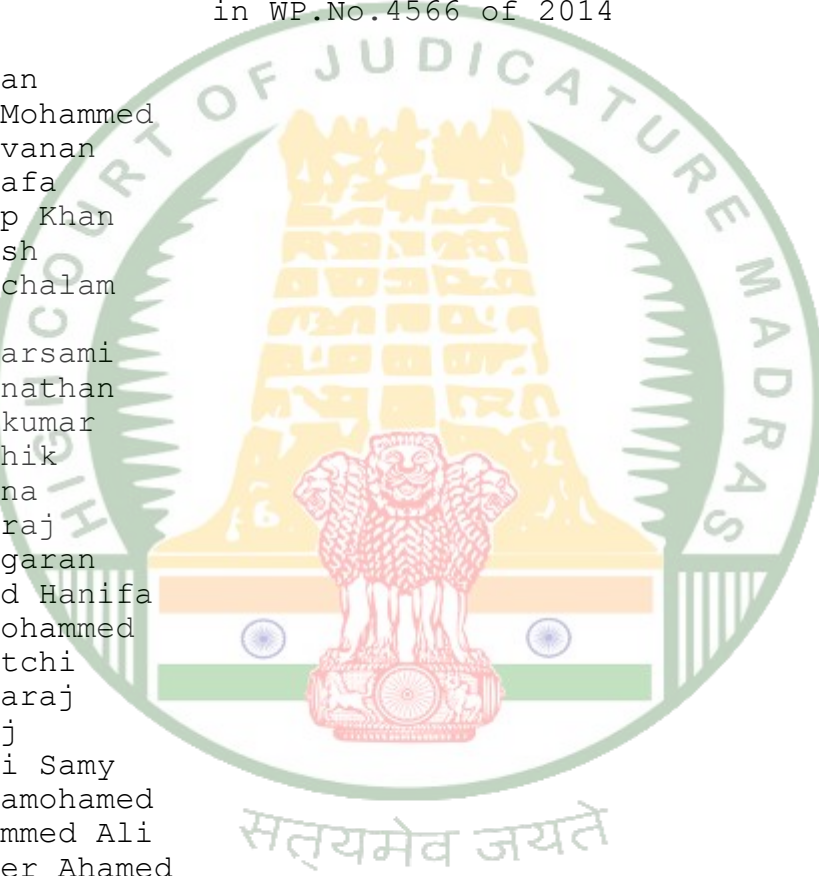
DATED :26.07.2019

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MR.JUSTICE R. MAHADEVAN

WMP.Nos. 37047 to 37049 of 2016
in Rev.Aplw.SR.Nos.131870, 131874 &132637 of 2016
in WP.No.4566 of 2014

1. S. Kannan
2. B. Ali Mohammed
3. V. Saravanan
4. A. Mustafa
5. V. Rajap Khan
6. B. Suresh
7. Venkatachalam
8. V. Mani
9. R. Mannarsami
10. P. Saminathan
11. G. Sivakumar
12. N. Karthik
13. S. Suguna
14. V. Nataraj
15. P. Manogaran
16. Mohammed Hanifa
17. Muthu Mohammed
18. V. Kamatchi
19. V. Selvaraj
20. K. Siraj
21. A. Durai Samy
22. I. Nallamohamed
23. M. Mohammed Ali
24. S. Sameer Ahamed
25. S. Munir Basha
26. K. Karthik
27. M. Thangam
28. S. Vedyappan
29. M. Kumar
30. M. Mohammed Yakoof
31. M. Mohammed Meeran
32. K. Velmurugan
33. Sadiq
34. S. Nahoor Kani
35. H. Ramnath Joswal
36. K. Vinod Joswal



37. Prem Narayan Gupta
38. M.Musafar Kani
39. K. Manivasan
40. B. Riyaz
41. K. Rizwan
42. T. Abdul Vaisali
43. M. Kaleel Rahman
44. K. Manikandan
45. V. Sundar
46. S. Ansari
47. Sheik Mohammed
48. I. Jaalaludeen
49. I. Thameen Ansari
50. S. Kaleedullah
51. S. Jinnamohammed
52. A. Ashraf Ali
53. M. Mohammed Hussain
54. A. Murugesan
55. Senthil
56. K. Ajeez
57. S.P.J. Dass
58. S.P.J.Raja
59. J.Padmini
60. A. Rajesh
61. J.Sathish
62. M.Raja
63. S.Nagaraj
64. R.Sekar
65. V. Murugan
66. Mudali Ramaiah
67. S. Abdul Rahman
68. T. Velmurugan
69. M. Sugumar
70. A. Muthu Ali Selvam
71. M. Sathik
72. I. Ravichandran
73. R. Lakshmanan
74. S. Viswanathan
75. N.M. Abulhasan
76. M. Parthasarthy
77. Fazlur Rahman
78. V. Pazhani
79. M. Nalini ... Petitioners in WMP.No.37047 of 2016/3rd Parties

"T.Nagar Usman Road,
Nethaji Siru Kadai Viyabarigal Sangam"
Represented by its President,
R.Rajan,
Old No. 39, New No.2,
Godown No.303,

Natesan Street, T.Nagar,
Chennai - 600 017. ... Petitioner in WMP.No.37048 of
2016/3rd Parties

Siva Vishnu Koil
Sirukadai Viyabarigal Sangam
Usman Salai, T.Nagar,
Chennai - 600 017
Represented by its
President S. Anbalagan

... Petitioner in WMP.No.37049 of 2016/
3rd Party
Vs.

1. T.Nagar Resident Welfare Association,
(Registered No. 221 of 2011),
Represented by its Treasurer,
Mr.R.Mohan,
No.30, Rangan Street,
T.Nagar, Chennai 600 017.
2. State of Tamil Nadu,
Rep. By the Secretary to Government,
Municipal Administration and
Water Supplies Department,
Secretariat, Fort St.George,
Chennai - 600 009.
3. State of Tamil Nadu,
Rep. By the Secretary to Government,
Home Department, Secretariat,
Fort St. George, Chennai - 600 009.
4. The Inspector General of Police,
Santhome High Road, Chennai - 600 004.
5. The Commissioner of Police,
Police Commissioner Office Road,
Egmore, Chennai - 600 008.
6. Corporation of Chennai,
Rep by its Commissioner,
Ripon Building, Chennai - 600 003.
7. Hawking Zone Implementation Committee,
(Committee constituted by the Hon'ble High Court, Madras)
Represented by its Chairman,
Justice (Retd) A. Ramamurthy,
7/6, 3rd Cross Street,
R.A.Puram, Chennai - 600 028. .. Respondents in all W.M.Ps.

Common Prayer : These petitions filed under Order 47 Rule 1 read with Section 114 of C.P.C. seeking to grant leave to the petitioner to file a third party review against the order dated 14.07.2016 in W.P.No.4566 of 2014 pending final disposal of the review petition.

For Petitioner : Mr.J.Saravana Vel
in WMP.No.37049 of 2016
Mr.D.Nagasaila
in WMP.Nos.37047 & 37048 of 2016

For Respondents : Mr.K.Ravi Kumar
in all WMPs. Additional Government Pleader

COMMON ORDER

[Order of the Court was delivered by T.S.Sivagnanam, J.]

These petitions have been filed by 3rd parties seeking leave to file review petition to review the order passed in W.P.No.4566 of 2014.

2. The petitioners, in these review petitions, claim that they are street vendors. The reason for filing the review petition in the year 2016 is on account of the observations/directions issued by the Division Bench in paragraph 4 of the order dated 14.07.2016.

3. It is the submission of the learned counsel appearing for the petitioners that prior to the order passed in W. P. No.4566 of 2014, a similar issue was considered by the another Division Bench in batch of writ petitions in W.P.No. 18397 of 2014 and the writ petitions were finally disposed of on 30.09.2015. The learned counsel for the petitioner has drawn the attention of this Court to paragraph 28 of the order, which states that the vendors are protected under the statutory provisions, viz., Sub-Section (3) of Section 3 of The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (hereinafter referred to as 'the Act') and as such, till the Town Vending Committee is constituted under the Provisions of the Act and a survey has made thereon, in accordance with the scheme, which is yet to be framed, the petitioners/members of the petitioner's association shall not be evicted from their place of business or trade. It is submitted that the petitioners, before us, were also the petitioners in batch of cases and the benefit of such order enure to its members. The resultant position is that the street hawkers have not been evicted till date.

4. In our considered view, there appears no ground to review the order passed by the Division Bench, more particularly, when in paragraph 5 of the order the interest of the petitioner's association has been protected, in the sense that there is an observation that the re-location of the hawkers would depend upon the Vending Committee being formed.

5. Thus in our view, at this juncture, the question of reviewing the order does not arise, as there is already an order passed by the Division Bench, which according to the petitioner is in their benefit and they are continuing in their business and trade.

6. Therefore, we close these petitions leaving it open to the petitioners to workout their remedy in accordance with law. No costs.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

To

1. State of Tamil Nadu,
Rep. By the Secretary to Government,
Municipal Administration and
Water Supplies Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. State of Tamil Nadu,
Rep. By the Secretary to Government,
Home Department, Secretariat,
Fort St. George, Chennai - 600 009.
3. The Inspector General of Police,
Santhome High Road, Chennai - 600 004.
4. The Commissioner of Police,
Police Commissioner Office Road,
Egmore, Chennai - 600 008.
5. Corporation of Chennai,
Rep by its Commissioner,
Ripon Building, Chennai - 600 003.

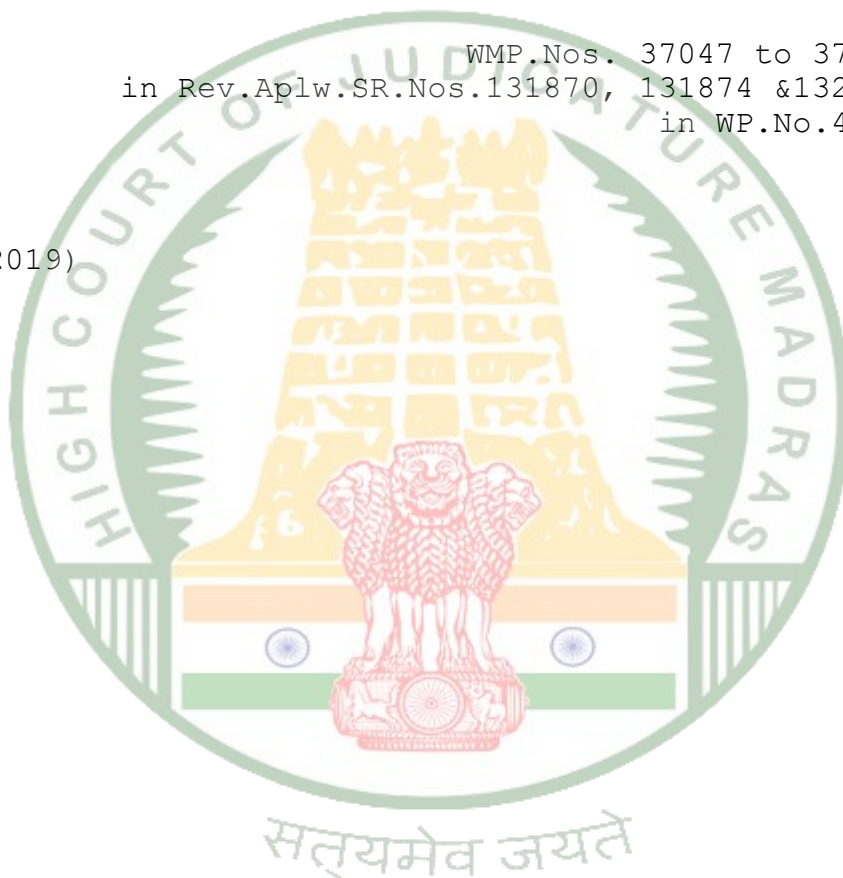
6. Hawking Zone Implementation Committee,
(Committee constituted by the Hon'ble High Court, Madras)
Represented by its Chairman,
Justice (Retd) A. Ramamurthy,
7/6, 3rd Cross Street,
R.A.Puram, Chennai - 600 028.

+1 CC to Mr.D.Nagasaila, Advocate sr 64652.

+1 CC to Mr.J.Saravanel, Advocate sr 64351.

WMP.Nos. 37047 to 37049 of 2016
in Rev.Aplw.SR.Nos.131870, 131874 &132637 of 2016
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PP(CO)
SP(19/09/2019)



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