

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2020

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MRS.JUSTICE R.HEMALATHA

W.P.No. 12482 of 2020
and W.M.P.No. 15396 of 2020

1.M.Yasmin Kathija
2.M.Basira
3.S.Pushpa
4.V.Ramesh
5.B.Narayanan
6.A.Panjali
7.S.Arumugam
8.V.Vimala
9.S.Srikanth
10.S.Velusamy
11.A.Sheema Banu
12.V.Prabu
13.J.Regina
14.P.Anbumani
15.P.Padma

... Petitioners

1.The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai - 600 003.

2.The Chairman,
Zone V, Street Vending Committee,
Corporation of Chennai,
Chennai - 600 018.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondents to confirm the place where they are now Hawking/vending at Egmore Railway Station North Side, Whannels Road, Egmore, Chennai - 600 008 and to allow the petitioners to continue vending in the said place, adjoining the compound wall of St.Andrew's Church, Egmore.

For Petitioners .. Mr.R.Syed Mustafa
For Respondents .. Mr.K.Raja Srinivas

ORDER

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

The petitioners herein have come forward to file this writ petition seeking a similar order as passed in W.P.No.510 of 2019 dated 24.02.2020 on the premise that they also got enumerated and identified for the purpose of allotment in the hawking/vending zone at Egmore on par with the similarly placed persons including the petitioners in W.P.No. 510 of 2019.

2. Heard Mr.Syed Mustafa, learned counsel appearing for the petitioners and Mr.Raja Srinivas, learned counsel appearing for the respondents.

3. The only objection raised by the learned counsel appearing for the respondents/Corporation is that the fact that the petitioners herein are enumerated and identified accordingly is a disputed one which requires verification.

4. We do not wish to undertake the said exercise in this writ petition. This is a matter which can be done by the respondents/Corporation itself through its officials. Suffice it to state that the order passed in W.P.No. 510 of 2019 dated 24.02.2020 regarding the stand taken by the Corporation shall apply to the case of the petitioners also subject to the verification of enumeration and identification. For the sake of convenience, we reproduce the following paragraphs:-

3. Though very many contentions have been raised in the affidavit, now, in view of the counter it is not necessary for this Court to deal with the entire averments in the affidavit. However, the relevant paragraph of the counter is extracted hereunder, which would suffice to dispose of the writ petition.

"It is submitted that the petitioners were enumerated and identified as Vendors, doing business on the Whannels Road, Egmore and had been issued with the Identity Card as per Section 3 of the Street Vendors Act, 2014. The enumerated existing vendors are protected by the Act, hence the grievance/request of the petitioners for a permission to carry on their Vending in the Whannels Road, was placed in the meeting for discussion convenient by the Town Vending Committee, where the request of the petitioners had been considered and thereby the

Town Vending Committee members had approved the subject matter of the above petition. It is also submitted that this place namely Whannels Road, Egmore were already allotted to Chennai Poonga Nagar Perunthalaivar Kamarajar Indra Gandhi Nalasangam through vending Committee as per their writ petition order vide W.P.No.39349 of 2015 dated 2/1/2015. Therefore, according to the availability of space, thus permission for allowing them to do their business in the course of time."

5. In view of the above, the writ petition stands disposed of on the aforesaid terms. The respondents/Corporation shall complete the process within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

mmi/ssm
To

- 1.The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai - 600 003.
- 2.The Chairman,
Zone V,Street Vending Committee,
Corporation of Chennai,
Chennai - 600 018.

+1 CC to Mr.R.Syed Mustafa, Advocate sr 31099
+1 CC to Mr.K.Raja Srinivas, Advocate sr 31077.

W.P.No. 12482 of 2020

VSNI (CO)
SP(16/10/2020)