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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2021

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No24931 of 2021 and W.M.P.No.26256 of 2021

R.Anitha

... Petitioner

-Vs-

- 1 The Commissioner
Greater Chennai Corporation Rippon Building
Chennai- 600 003.
- 2 Dy.Commissioner -Zone- IV
Grater Chennai Corporation No.266 T.H.Road
New Washermenpet Chennai- 600 021.
- 3 Superintendeing Engineer - IV
one- IV Grater Chennai Corporation No.266
T.H.Road New Washermenpet Chennai- 600 021.
- 4 Executive Engineer- Zone- IV
Grater Chennai Corporation No.266 T.H.Road
New Washermenpet Chennai- 600 021. ... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 3rd and 4th Respondents to consider the representation dated 09.10.2021 to allow and continue pushcart sale of Tiffin and meals (food items) in the present place without any disturbance.

For Petitioner : Mr.T.Sivagnanasambandan
for Mr.M.L.Ravi

For Respondents : Ms.P.T.Ramadevi, Standing Counsel

O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the 3rd and 4th Respondents to consider the representation dated 09.10.2021 to allow and continue pushcart sale of Tiffin and meals (food items) in the present place without any disturbance.



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2. It is the case of the petitioner that, the petitioner has already been running a street vending eatery at Ilaya Mudali Street, Near Prince Apartments Park, Tondiarpet, Chennai. When that being so, the Corporation officials and staff, with the help of the police, removed the said street vending eatery of the petitioner and in this regard, the petitioner has given a representation dated 09.10.2021 to consider her request and permit her to continue the street vending eatery without any hindrance and in this regard, whatever procedure to be followed, she is ready and willing to abide by the same.

3. Heard Mr.T.Sivagnanasambandan, learned counsel for the petitioner who would submit that, since the said representation has not been considered, the petitioner has approached this Court seeking indulgence of this Court to issue suitable directions.

4. However, Ms.P.T.Ramadevi, learned Standing Counsel appearing on behalf of the respondent Corporation, on instructions would submit that, as per the provisions of the Street Vendors (Protection of Livelihood Regulation) Act, 2014 (In short 'the Act'), application in prescribed format has to be submitted to the Town Vending Committee and in this regard only the Committee has to take a decision and thereupon it would be executed by the Corporation. Therefore, if at all the petitioner wants her representation to be considered, the same has to be submitted to the Town Vending Committee in the prescribed format and in this regard the respondents have nothing to do with the plea of the petitioner.

5. I have heard the submissions made by the learned counsel appearing on either side and have perused the materials available on record.

6. Since it is the claim of the petitioner that, she has been depending only on the said street vending eatery which she has undertaken for five years or more in the particular locality and whether such locality is a permitted zone or not has to be decided only by the Town Vending Committee, which was constituted under the provisions of the Act, and in this regard, already the petitioner has made a representation dated 09.10.2021, that would not be suffice to decide the issue. Therefore, this Court feels that, let the petitioner make an application in the prescribed format to the Town Vending Committee through the respondents ie., Chennai Corporation and once such application is submitted with all the necessary



particulars, that can be forwarded by the respondents to the Town Vending Committee for their decision within a time frame.

7. In that view of the matter, it is open to the petitioner to make an application to the Town Vending Committee constituted under the provisions of the Act and such application if it is addressed to the Town Vending Committee is forwarded through the respondent Corporation, on receipt of the same from the petitioner, the said application can be forwarded with their comments to the Town Vending Committee and accordingly a decision can be taken by the Town Vending Committee as to whether the place in which the petitioner has sought for permission is a permissible area and if so, whether permission can be given or not, also can be given by the Town Vending Committee and the said decision can be communicated to the petitioner as well as the respondent Corporation. The needful as indicated above can be undertaken by the respondent Corporation within a period of eight weeks from the date of receipt of such application along with the necessary fees, if any, paid by the petitioner.

8. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-VII)

// True Copy //

Sub Assistant Registrar

KST

To

1.The Commissioner

Greater Chennai Corporation Rippon Building
Chennai- 600 003.

2.The Dy.Commissioner -Zone- IV

Grater Chennai Corporation No.266 T.H.Road
New Washermenpet Chennai- 600 021.

3.The Superintendeing Engineer - IV

one- IV Grater Chennai Corporation No.266
T.H.Road New Washermenpet Chennai- 600 021.



4.The Executive Engineer- Zone- IV
Grater Chennai Corporation No.266 T.H.Road
New Washermenpet Chennai- 600 021.

+lcc to M/s.R.T.Ramadevi, Advocate SR.No.60446
+lcc to Mr.M.L.Ravi, Advocate SR.No.60834

W.P.No24931 of 2021

GPL (CO)
CB (02/12/2021)