



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2021

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.24486 of 2021
and
W.M.P.No.25804 of 2021

R.Paramaguru

...Petitioner

Vs

1.Deputy Commissioner - Zone IV
Greater Chennai Corporation
No.266, T.H.Road, New Washermenpet
Chennai - 600 021.

2.Superintending Engineer - Zone IV
Greater 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 1st and 2nd respondent to consider the petitioner's representation dated 16.09.2021 to allow me to continue the petitioner's street vending business in peace full manner in the present without any disturbance.

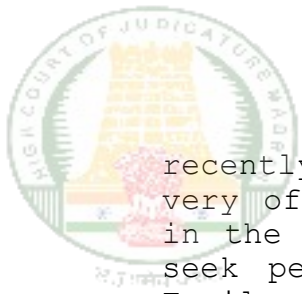
For Petitioner : Mr.T.Sivagnanasambandan

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 1st and 2nd respondent to consider the petitioner's representation dated 16.09.2021 to allow him to continue the petitioner's street vending business in peace full manner in the present without any disturbance.

2. It is the claim of the petitioner that, the petitioner was a street vendor, where he was selling tender coconuts at V.O.C. Nagar under the shade of a banyan tree where, according to the petitioner, there is no disturbance to any public / passerby and it is not an objectionable area also. However,



recently the officials or staff of the respondent Corporation very often insist the petitioner not to have the vending stall in the said place and therefore, in order to regularize and to seek permission for such vending under the provisions of the Tamil Nadu Street Vendors (Protection of Livelihood and Regulation) Act 2014 (In short 'the Act'), the petitioner has given a representation to the respondents on 16.09.2021 and since the same has not been considered by referring the matter to the Committee constituted in this regard under the provisions of the Act by the respondent Corporation, the petitioner has filed the present writ petition with the aforesaid prayer.

3. Heard Mr.T.Sivagnanansambandan, learned counsel appearing for the petitioner, who after having reiterated the aforesaid facts, seeks the indulgence of this Court to issue suitable directions.

4. Per contra, Ms.P.T.Ramadevi, learned Standing Counsel who has taken notice on behalf of the respondent Corporation, on instructions would submit that, if at all any application or representation is submitted to the Corporation, that is not enough to decide the request of the petitioner because, as per the provisions of the Act, already a Committee has been constituted ie., Town Street Vending Committee, before which the request of the petitioner should be placed, that too by way of a format application and depending upon the decision to be taken by the committee alone, further consequential action shall be taken by the Corporation either to permit the petitioner to have the street vending in the locality he desires or not. Therefore, the learned Standing Counsel submits that, the present move made by the petitioner directly to the respondent Corporation cannot be decided unless it is decided by the Committee.

5. I have considered the submissions made by the learned counsel appearing for both sides and have perused the materials placed on record.

6. No doubt, whether a particular street vendor has to be permitted in a particular locality has to be decided by the Street Vending Committee constituted under the provisions of the Act and in this regard, if at all the petitioner has made a representation to the respondent Corporation on 16.09.2021, the same can be forwarded to the Committee by the Corporation for the decision of the Committee in their next meeting and once they take a decision either way, based on such decision to be taken by the Committee, further consequential action can be taken by the respondent Corporation and accordingly the decision can be communicated to the petitioner.



7. In that view of the matter, this Court is inclined to dispose of this writ petition with the following order.

8. That there shall be a direction to the respondent Corporation to forward the application / representation of the petitioner dated 16.09.2021 to the Committee constituted under the provisions of the Act for their decision in the next meeting and once a decision is taken by the Committee and if it is communicated to the respondent Corporation, further follow up action depending upon the decision of the Committee, shall be taken and communicated to the petitioner. The needful as indicated above shall be undertaken as early as possible preferably within a period of twelve weeks from the date of receipt of a copy of this order.

9. 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. Deputy Commissioner - Zone IV,
Greater Chennai Corporation
No.266, T.H.Road, New Washermenpet,
Chennai - 600 021.

2. Superintending Engineer - Zone IV,
Greater Chennai Corporation
No.266, T.H.Road, New Washermenpet,
Chennai - 600 021.

+1cc to Mr.P.T.Ramadevi, Advocate, S.R.No.58864

W.P.No.24486 of 2021

SPD(CO)
RVM(03/12/2021)