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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2021

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.NO.24764 OF 2021

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... Petitioner

.Vs.

1. The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai - 600 003.
2. The Chairman,
Zone V, Street Vending Committee,
Corporation of Chennai,
9, Chidambaram 7th Street,
Basin Bridge,
Chidambaram Nagar,
Chennai - 600 001.
3. The Zonal Assistant Commissioner
Zone V, Street Vending Committee,
Corporation of Chennai,
9, Chidambaram 7th Street,
Basin Bridge,
Chidambaram Nagar,
Chennai - 600 001.
4. The License Inspector,
Zone V, Street Vending Committee,
Corporation of Chennai,
No.45, M.C.Road,
Royapuram,
Chennai - 600 013.
5. The Assistant Revenue Officer,
Zone V, Street Vending Committee,
Corporation of Chennai,
9, Chidambaram 7th Street,
Basin Bridge,
Chidambaram Nagar,
Chennai - 600 001.



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6. The Commissioner of Police (Greater Chennai),
Commissioner Office Building,
132, E.V.K.Sampath Road,
Vepery, Periyamet,
Chennai - 600 007.

7. The Inspector of Police,
H1 Police Station,
No.28, T.H.Road,
Old 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 respondents 1 to 7 to dispose the representation / complaint of the petitioner, dated 27.09.2021 to allot a permanent vending place for her in the market as allocated to other street vendors and till such time ensure a allocated vending place at M.C.Road, Chennai for her livelihood.

For Petitioner : Mr.N.Gokula Rao

For Respondent : Mrs.P.T.Ramadevi
Standing counsel
For R1 to R5

Mrs.Akila Rajendran
Government Advocate
For R6 and R7

O R D E R

The prayer sought for herein is for a writ of mandamus, directing the respondents 1 to 7 to dispose the representation/ complaint of the petitioner, dated 27.09.2021 and to allot a permanent vending place for her in the market as allocated to other street vendors and till such time ensure a allocated vending place at M.C.Road, Chennai for her livelihood.

2. The case of the petitioner is that, the petitioner is a street vendor and she has been doing street vending business at a place called M.C.Road in Chennai Corporation limit.

3. After the Supreme Court Judgment in the year 2010 as well as the Street Vendors Act passed in this regard, the



position of the petitioner, i.e., she is a street vendor has been recognised and accordingly, Street Vending Committee as well as Town Vending Committee constituted in this regard by the respondent Corporation pursuant to the provisions of the Act, had issued the certificate and I.D card for the petitioner to have the street vending at a particular street called M.C.Road.

4. When that being so, according to the petitioner, trouble has started, where another big textile shop, which had been located in the M.C.Road, in order to extend their car parking facility, they allegedly driven the petitioner to move out from the place, where he was already doing the street vending business. Therefore, in order to ensure a particular place in the M.C.Road for the petitioner to have street vending business, he had given a representation to the respondent Corporation on 27.09.2021. However, since the same has not been considered and no such allotment has been given for the smooth running of the street vending business of the petitioner, he has approached this Court by filing the present writ petition.

5. Heard Mr.N.Gokula Rao, learned counsel appearing for the petitioner, who having reiterated the afore stated, would seek indulgence of this Court to issue a direction to the respondent Corporation.

6. Heard Mrs.P.T.Ramadevi, learned standing counsel appearing for the respondent Corporation and Mrs.Akila Rajendran, learned Government Advocate appearing for R6 and R7.

7. The learned standing counsel appearing for the respondent Corporation has submitted that, if at all the petitioner has already been recognised and an ID card to that effect has been given to her, recognising her to continuous street vending business at the M.C.Road, which is one of the permitted road to have the street vending business under the provisions of the Act, certainly the petitioner would continue to have the business of street vending in the said street, wherein, if at all there is any trouble with regard to the particular location in the said road or the street for the petitioner to have the street vending business, the same would be rectified and in this regard, the representation given by the petitioner, dated 27.09.2021 would be considered objectively and decided on merits by passing an order identifying a spot in the said M.C.Road for the purpose of street vending of the petitioner.

8. I have considered the said submissions made by the learned counsel appearing for the parties and have perused the materials placed before this Court.



9. In view of the limited scope of the prayer sought for in this writ petition and having heard the learned counsel appearing for the parties, especially the learned standing counsel appearing for the respondent Corporation, this Court is of the view that, a direction can be given to the respondent Corporation to consider the request of the petitioner and accordingly, this writ petition is disposed of with the following order :

(i) There shall be a direction to the respondent Corporation to consider the representation of the petitioner, dated 27.09.2021 and decide the same, after giving an opportunity of being heard to the petitioner with regard to the plea of the petitioner to allot a particular place in the M.C.Road for continuously running the street vending business of the petitioner, for which, the petitioner has already been identified and recognised and an I.D card also has been given to by the authorities concerned under the provisions of the Act.

(ii) The needful as indicated above shall be undertaken by the respondent Corporation within a period of four weeks from the date of receipt of a copy of this order.

10. With these directions, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

tsvn

To

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



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H1 Police Station,
No.28, T.H.Road, Old Washermenpet,
Chennai - 600 021.

+1cc to Mrs.P.T.Ramadevi, Advocate, S.R.No.60121
+1cc to the Government Pleader, S.R.No.59993

W.P.NO.24764 OF 2021

NRL(CO)
PBS/01/12/2021