

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.02.2021

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

WP.Nos.30783 & 30784/2019

Samanthi ..Petitioner in WP.No.30783/2019

K.Muralidharan ...Petitioner in WP.No.30784/2019

Versus

The Chairperson/Zonal
Executive Engineer,
Zone No.9, [The Township
Vending Committee]
Corporation of Chennai,
Chennai 600 034.

.... Respondent in both WPs

Prayer in WP.No.30783/2019:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus forbearing the respondent from interfering with the running of the petitioner's bunk shop at Near No.11, Jayalakshmipuram 1st Street, near Padmasri Apartment, Nungambakkam, Chennai 600 034, wherein selling tea, coffee, snacks and other food items therein till the petitioner's representation dated 25.09.2019 is considered and decided as per the provisions of the Street Vendors [Protection of Livelihood Regulation] Act, 2014 by the respondent.

Prayer in WP.No.30784/2019:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus forbearing the respondent from interfering with the running of the petitioner's bunk shop at Near No.115/48, Ramanathan Street, Opposite to New Life Line Hospital, Kilpauk, Chennai 600 010, wherein selling tea, coffee, snacks and other food items therein till the petitioner's representation dated 25.09.2019 is considered and decided as per the provisions of the Street Vendors [Protection of Livelihood Regulation] Act, 2014 by the respondent.

For Petitioners	:	Ms.Jasmine Padma for Mr.E.Naveen
For Respondent	:	Mr.M.Ganesh Standing counsel

COMMON ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J. through Video Conferencing]

- (1) By consent, both the writ petitions are taken up for final disposal and is disposed of by this common order since the issue to be decided is one and the same.
- (2) The petitioner in WP.No.30783/2019 would claim that she is a widow and is running a bunk shop near No.11, Jayalakshmipuram 1st Street, near Padmasri Apartment, Nungambakkam, Chennai 600 034, for the past one year and she used to sell tea, coffee, snacks and other food items and out of the meager income earned, she is finding it extremely difficult to maintain her family. It is her claim that in the light of the benevolent legislation, viz., the Street Vendors [Protection of Livelihood Regulation] Act, 2014, and the Rules framed thereunder, she is entitled to continue to run the said bunk shop and in this regard, a representation dated 25.09.2019 has also been submitted and despite receipt and acknowledgment, no reply is forth coming and in the meanwhile, attempts are being made without recourse to law to evict / dispossess her and therefore, she is constrained to approach this Court by filing this writ petition.
- (3) The petitioner in WP.No.30784/2019 would submit that he is also running a bunk shop at No.115/48, Ramanathan Street, Opposite to New Life Line Hospital, Kilpauk, Chennai-10 and making a similar claim as that of the petitioner in WP.No.20783/2019, he has filed the present writ petition.
- (4) The matter was listed for admission on 01.11.2019 and the learned Standing counsel accepted notice and sought time to get instructions as to the identification of the petitioners during enumeration process.
- (5) These cases were listed for hearing on 11.11.2019 and on that day, it was represented on behalf of the Greater Chennai Corporation that during enumeration process, neither of the petitioners have been identified as street vendors and the cases were adjourned.
- (6) The learned counsel for the petitioners would submit that the jurisdictional officials of the Greater Chennai Corporation may take into consideration of the fact that the petitioners are hailing from the lowest strata of the society and are having poor economic background and they are finding it extremely difficult to make both ends meet and the only source of livelihood is the meager income earned out of running these bunk shops and hence, prays for appropriate orders.
- (7) Per contra, the learned standing counsel appearing for the respondent would submit that the inspection was caused in both the places and in one place, an abandoned mobile cart was found

and in another place, nothing was found and during enumeration exercise, the petitioners have not been identified as street vendors and as such, no relief could be granted.

(8) This Court has carefully considered the rival submissions and also perused the materials placed before it.

(9) This Court can cull out the fact that the enumeration in respect of the zones in which the petitioners said to have carried on the business as street vendors have been completed and they have not been identified as street vendors and that apart, it is also the submission of the learned standing counsel for the respondent that in one place, an abandoned push cart was found and in another place, nothing has been found. In the light of the above facts and circumstances, this Court is not in a position to come to the aid of the petitioners. However, if the petitioners are advised and if it is available to them under law, they are always at liberty to work out their further remedies in accordance with law as to the non-enumeration/identification as street vendors.

(10) In the result, the writ petitions stand dismissed with the above observations. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

The Chairperson/Zonal
Executive Engineer,
Zone No.9, [The Township
Vending Committee]
Corporation of Chennai,
Chennai 600 034.

SKY (CO)
RMP (17/03/2021)

WP.Nos.30783 & 30784/2019

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