



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2022

CORAM:

THE HONOURABLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE
AND
THE HONOURABLE MRS.JUSTICE N.MALA

W.P.No.2492 of 2021
and
W.M.P.Nos.2807 and 2808 of 2021

Tamil Nadu Nethaji Subash Chandrabose
Ammaippusara Matrum Kattumana
Meenpidi Tholizhilalar Padukappau Peravai,
Represented by its President P.Muthu,
No.37-A, Kamarajar Salai,
Mylapore,
Chennai-600 004.

..Petitioner

Vs.

The Commissioner,
Greater Chennai Corporation,
Rippon Buildings, Chennai-600 003.

..Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the respondent's Notice, dated 21.01.2021 Se.Vay.No.13 and quash the same as illegal and further direct the respondent to allow the petitioner's Association Members to run the business from Kamarajar Statue to Marina.

For Petitioner : M/s.B.Jayapradha

For Respondent : Mr.J.Ravindran,
Addl. Advocate General,
assisted by
Mr.Raja Shrinivas, Standing Counsel

ORDER

(The Order of the Court was made by The Honourable Chief Justice)

The Writ Petition has been filed to challenge the notice, dated 21.01.201, by which, the applications were invited for



allotment of push-carts.

2. The grievance of the petitioner-Association is in regard to non-compliance of the order of this Court in W.P.No.16716 of 2013 (K.R.Ramaswamy alias Traffic Ramaswamy Vs. The Chief Secretary, Government of Tamil Nadu, Fort St.George, Chennai-9 and 4 others), decided by order dated 10.01.2014. The respondent/Greater Chennai Corporation did not conduct survey to identify the existing persons doing the business from Kamarajar Statue to Marina and proceeded to invite the application for consideration of the candidature for allotment by evolving a method of draw of lots. Further, 60% of the push-carts was to be given to the existing vendors and the remaining 40% to the new vendors.

3. The allegation is regarding non-consideration of the candidature of the members of the petitioner-Association. However, nothing has been placed on record to show that the applications were submitted pursuant to the impugned notice, rather notice itself has been challenged without showing it to be against the provisions of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014.

4. So far as the order dated 10.01.2014 is concerned, it was passed to give effect to the Rules and Regulations framed by the respondent Corporation in respect of allotment of mobile/push-carts. Thus, the challenge to the impugned notice seeking compliance of the aforesaid order cannot be accepted.

5. The learned Additional Advocate General appearing for the respondent-Greater Chennai Corporation, submitted that the process of allotment has already been completed and pursuant to the applications invited, draw of lots was arranged in the presence of a retired Judge, namely Hon'ble Mr.Justice Satish K.Agnihotri. As per the draw of lots, the allotment has been made. In view of the same, it is submitted that the present Writ Petition has even become infructuous.

6. Taking into consideration the overall facts and circumstances of the case and in light of the fact that allotment has been made only after inviting draw of lots, the stand of the petitioner that the candidature of the applicants were considered in contravention of the aforesaid order dated 10.01.2014 cannot be accepted. Thus, the prayer of the petitioner to nullify the impugned notice dated 21.01.2021 is rejected as it has already been acted upon. Any interference in the impugned notice would also affect the allotment already made in favour of individuals who are not before us.



7.Hence, for the reasons sated above, the Writ Petition is dismissed. There shall be no order as to costs. Consequently, W.M.Ps. are closed.

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Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

dsn/cs

To

The Commissioner,
Greater Chennai Corporation,
Rippon Buildings, Chennai-600 003.

+1cc to Mr.K.Rajashrinivas, Advocate, S.R.No.37791

+1cc to the Government Pleader, S.R.No.37697

W.P.No.2492 of 2021

PM(CO)
RGA(30/06/2022)