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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2022

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.NO.11418 OF 2022

AND

W.M.P.NOS.10952 TO 10954 OF 2022

R.Vijayakumar

...Petitioner

Vs

- 1.The Government of Tamil Nadu,
Department of Municipal Administration and
Water Supply, Rep. by its Secretary,
Secretariat, Chennai - 600 009.
- 2.The Commissioner,
Greater Chennai Corporation,
Rippon Buildings, Chennai 600 003.
- 3.The Commissioner of Municipal Administration,
Urban Administration Building,
No.78, D.G.S. Dinikaran Salai - Santhome High Road,
Chennai - 600 028.
- 4.The Zonal Officer,
Zone-13, Greater Chennai Corporation,
Dr.Muthulakshmi Road, L.B.Road,
Adyar, Chennai 600 020.
- 5.The Town Vending Committee, 13th Zone,
Greater Chennai Corporation,
Dr.Muthulakshmi Road, L.B.Road,
Adyar, Chennai 600 020.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the record relating to the order passed by the 5th respondent in Resolution No.3/2021, dated 15.12.2021, quash the same in so far as the 2nd Avenue, Indira Nagar, Adyar, Chennai - 600 020, and Consequently direct the respondents to declare/treat the said area as 'No Vending Zone'.

For Petitioner : Mr.V.Chandrasekaran

For R1 : Mr.C.Jayaprakash
Government Advocate



For R2 to R5 : Mr.Rahul Aditya
For Ms.P.T.Ramadevi, Standing Counsel

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Mr.C.Jayaprakash, learned Government Advocate accepts notice for R1 and Mr.Rahul Aditya, learned counsel accepts notice for R2 to R5, and both are armed with instructions to enable disposal of this matter at this stage. Thus, by consent expressed by all learned counsels, this writ petition is disposed finally.

2.The petitioner claims to be a resident of Indira Nagar and is aggrieved by an order passed by R5, which is the Town Vending Committee of the 13th Zone of the Greater Chennai Corporation, declaring 2nd Avenue, Indira Nagar, Adyar as a hawking Zone.

3.The impugned order is straight away liable to be set aside in view of the recent decision of the Hon'ble First Bench of this Court in WP.No.6799 of 2022 on 27.04.2022, which has struck down the constitution of the present Town Vending Committees on the ground that they are not in line with the stipulation of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014.

4.With the passing of the aforesaid order, the constitution of the Town Vending Committee that has passed the impugned order goes, and with it, so does the impugned order.

5.That apart, and incidentally, on the merits of the suitability of the road in question to be designated as a hawking zone, reference must be made to an interim order passed by the Chairman, Implementation Committee, dated 09.08.2010. The Implementation Committee was the percussor to the Town Vending Committees and was required to offer its suggestions of the suitability or otherwise of various zones in the city to be designated as hawkers zone or otherwise.

6. The Committee has, in its internal report, set out detailed reasons as to why the proposal for relocation of hawkers from Lattice Bridge Road, areas adjoining Jayanthi Theatre and Bhavani Medal in Second Avenue, Indira Nagar are unsuitable to be designated as hawking zones. The Zonal Official was directed to locate other alternate places for relocation of the hawkers.

7.This above interim order of the Committee has been entirely lost sight of in the passing of the impugned order. Thus for both the reasons as aforesaid, the impugned order is



set aside. This Writ Petition is allowed. No costs. Connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar (CS-IX)

Sub Assistant Registrar

Jeni/Vs

To

- 1.The Secretary,
The Government of Tamil Nadu,
Department of Municipal Administration and
Water Supply, Secretariat,
Chennai - 600 009.
- 2.The Commissioner,
Greater Chennai Corporation,
Rippon Buildings, Chennai 600 003.
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- 5.The Town Vending Committee, 13th Zone,
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Dr.Muthulakshmi Road, L.B.Road,
Adyar, Chennai 600 020.

+1cc to M/s.P.T.Ramadevi, Advocate Sr.No.30204

+1cc to M/s.V.Chandrasekaran, Advocate Sr.No.30991

+1cc to the Government Pleader Sr.No.30878

W.P.No.11418 of 2022

EV (CO)
RVM(27/05/2022)