

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P.No.23314 of 2014

&

M.P. No.1 of 2014

Tamil Nadu Bunk Shop Self Employed
Youth (TABSSEY)

Rep by its General Secretary K. Ramanathan,
No.19, Kannadasan Salai, T. Nagar
Chennai 600 017

.. Petitioner

Vs.

1.Government of Tamil Nadu,
Rep. by its Secretary,
Local Administration Department
Fort St. George, Chennai 600 009.

2. The Corporation of Chennai,
Rep. by its Commissioner,
Ripon Buildings, Chennai 600 003.

3. The Committee for Bunk Shops,
Rep. by the Law Officer,
Corporation of Chennai,
Chennai 600 003.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, forbearing the Respondents herein, their subordinates or anybody acting through them

from in any manner interfering with the running of the bunk stalls by putting up permanent or temporary structures by the members of the petitioner's association whose list is enclosed in the writ petitioner, from the places as mentioned therein or in any manner evicting them pending compliance of the various directions issued by the Hon'ble Supreme Court dated 09.09.2013 and made in Civil Appeal No.4156-4157 of 2002 etc. batch and without implementing the various mandatory provisions of the street vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (Act No.7 of 2014).

For Petitioner	: Mr.C.K.Chandrasekar
For R1	: Mr.R.Vigneshwaran, Government Advocate
For R2 & R3	: Mr.G.T. Subramanian Standing Counsel

ORDER

(R. HEMALTA,J.)

The writ petition has been filed to forbear the respondents from interfering with the running of the business of bunk shops of both temporary and permanent structures situated at various places in the city put up by the members of the Petitioner Association, whose list is enclosed with the writ petition until the petitioner's representation under the provisions of The Street Vendors (Protection of Livelihood Regulation) Act, 2014 is considered by the respondents.

2. The Petitioner Association, Tamil Nadu Bunk Shop Self Employed Youth (TABSSEY), is a registered society under the Societies Registration Act, 1975 bearing registration No. 7/99 dated 13.01.1999, whose members have been carrying on small trade by installing bunk shops in different parts of the city of Chennai for more than a decade. Most of these shops are located on the pavements and may be, in some places, on the streets.

3. Heard Mr.C.K.Chandrasekar, learned counsel appearing for the petitioner, Mr.R.Vigneshwaran, learned Government Advocate appearing for the 1st respondent and Mr.G.T. Subramanian, learned standing counsel appearing for the respondents 2 and 3.

4. Learned counsel for the petitioner contends that the respondents are attempting to interfere with the running of the business of the members of the Petitioner Association and thereby threatening to remove the bunk stalls at various places put up by them. It is submitted that as the Petitioner Association falls under the scope of The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, the respondents have no right to interfere with the street vending business carried on by them without constituting the Town Vending Committee as

per the directions of the Hon'ble Apex Court while dealing with the rights of hawkers, squatters or payment vendors and in accordance to the provisions of the said Act. It is further submitted that the act of the respondents infringes the fundamental rights of the petitioners guaranteed under Article 19(1)(g) of the Constitution.

5. The Writ Petition has been contested by the learned counsel for the respondents stating that most of the bunk shops of the members of the Petitioner Association are located at the platforms and have been causing a lot of trouble and hindrance to the general public. It is further submitted that these bunk food shops are run in an unhygienic manner posing threat of causing health hazards to the consumers.

6. The learned Counsel for the respondents further contended that the existing Town Vending Committee was set aside by the order dated 27.04.2022 of this Court made in W.P. No. 6799 of 2022 and thereby steps are being taken for the formation of a new committee. The counsel for the respondents further submits that the members of the Petitioner Association can make a fresh application before the new committee once it gets constituted and the same will be considered.

7. In our view, these matters are for the Corporation of Chennai to

consider. The report submitted by the second respondent, The commissioner, Corporation of Chennai, reveals that no such shops are in existence at the stated places of most of the members of the Petitioner Association given on the list.

8. Mr.C.K.Chandrasekar, learned counsel appearing for the writ petitioners would contend that as on date one Mr. Kamal, Mrs.R. Mallika and Mr. V. Naganathan alone are conducting vending business and other members of the Association had already left.

9. Therefore, considering the above, the Petitioner Association is directed to send a fresh representation to the respondents enclosing all the details pertaining to the place and nature of the bunk shops and names of the persons running the bunk shops within a period of four weeks from the date of receipt of a copy of this order. Further, the respondents are directed to consider the said representation after the formation of the new Town Vending Committee. Till such time, the respondents are restrained from taking any coercive action against Mr.Kamal, Mrs.R. Mallika and Mr. V. Naganathan, members of the Petitioner Association, disrupting their business.

10. With the above observation, the Writ Petition stands disposed of. No Costs. Consequently connected miscellaneous petition is closed.

(V.M.V., J) (R.H., J)
22.12.2022

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Index : Yes / No
Internet : Yes / No

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