



WEB COPY

W.P.No.27189 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P.No.27189 of 2019

P.Devadoss

.. Petitioner

Vs.

1.The Commissioner,
Corporation of Chennai,
Ribbon Buildings,
Chennai – 600 003.

2.The Chairperson /
Zonal Executive Engineer Zone No.5,
(The Township Vending Committee),
Corporation of Chennai,
Chennai – 600 021.

.. 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 from interfering with the running of the petitioner's bunk shop at near New Vallalar Nagar Bus Stand, Near Amma water shop, North Wall Road, Chennai – 600 079, wherein selling tea, coffee, snacks, tiffin and other food items therein till the Petitioner's representation dated 10.08.2019 is considered and decided as per the provisions of the Street Vendors (Protection of Livelihood Regulation) Act, 2014 by the Respondents.



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For Petitioner : Mr.R.Kamaraj
For Respondents : Mr.G.T.Subramanian
Standing Counsel

ORDER

(Order of the Court was delivered by V.M.VELUMANI,J.)

The petitioner has come out with the present Writ Petition forbearing the respondents from interfering with the running of his bunk shop near New Vallalar Nagar Bus Stand, Near Amma water shop, North Wall Road, Chennai – 600 079, selling tea, coffee, snacks, tiffin and other food items therein till the Petitioner's representation dated 10.08.2019 is considered and decided as per the provisions of The Street Vendors (Protection of Livelihood Regulation) Act, 2014 by the respondents.

2.The petitioner claims that he is running a bunk shop near New Vallalar Nagar Bus Stand, Near Amma water shop, North Wall Road, Chennai – 600 079 for the past one year at the time of filing the Writ Petition. According to petitioner, he is protected as per The Street Vendors (Protection of Livelihood Regulation) Act, 2014, issued for safeguarding the 'Street Vendors' by regulating their business. As per this Act, the State Government has formed a Street Vending Committee and the 2nd respondent is the Chairperson of the Committee in the zone where the petitioner is carrying on his business. The respondents did not conduct any



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survey to issue Street Vending I.D.Card and Certificate of Vending. The names of many Street Vendors, nature of vending, area / place of vending and photographs were handed over to the private agencies by the Corporation of Chennai. The petitioner sent a representation dated 10.08.2019 to the 2nd respondent to conduct the enumeration process for issuing the Vending I.D.Card and also grant Certificate of Vending to continue his business. The 2nd respondent has not passed any order on the said representation dated 10.08.2019. Hence, the petitioner has come out with the present Writ Petition.

3.The 2nd respondent filed counter affidavit.

4.The learned Standing Counsel appearing for the respondents submitted that on inspection, it was found that the petitioner is not carrying on business in that area as mentioned by him and now the Town Vending Committee formed was set aside by the order of the First Bench of this Court dated 27.04.2022 made in W.P.No.6799 of 2022 and the respondents are taking steps to form a new Committee. He further submitted that on formation of new Committee and if the petitioner makes an application, the same will be considered.



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5. Heard the learned counsel appearing for the petitioner as well as the learned Standing Counsel appearing for the respondents and perused the entire materials on record.

6. The petitioner has filed photographs to show that he is running business in the place mentioned by him. The 2nd respondent also filed photographs and stated that there is no bunk shop put up by the petitioner. From the photographs filed by the 2nd respondent, it is seen a push cart (தள்ளு வண்டி) is found in that place. Considering the submissions made by the learned counsel appearing for the petitioner, learned Standing Counsel appearing for respondents and photographs filed by the petitioner and 2nd respondent, the petitioner is directed to send a fresh representation enclosing all the details of his business, place of his business, nature of business carrying on by him to the respondents within a period of four weeks from the date of receipt of a copy of this order. On receipt of such representation, the respondents are directed to consider the same after formation of new Committee. Till such time, the respondents are restrained from taking any coercive steps against the petitioner.

<https://www.mhc.tn.gov.in/judis> 7. With the above directions, the Writ Petition is disposed of. No



costs.

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(V.M.V., J) (R.H., J)
15.12.2022

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Index : Yes / No

Internet : Yes / No

To

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V.M.VELUMANI, J.
and

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