



WEB COPY



W.P.No.33590 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2022

CORAM

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No. 33590 of 2022

K.Elumalai

.. Petitioner

Versus

1.The Commissioner
Greater Chennai Corporation
Ripon Buildings
Chennai - 600 003

2.The Zonal Officer
Zone - 10
Greater Chennai Corporation
No.117, N.S.K. Salai
Kodambakkam
Chennai - 600 024

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents not to interfere with the peaceful street vending of the petitioner immediately after the replacement of the petitioner's shop in the same place at Nageswar Road in the one end entrance of the Gem Corner Snacks Shops by virtue of the Street Vendor (Protection of livelihood and Regulation of Street Vending) Act, 2014 considering the representation of the petitioner dated 17.09.2022 and 25.09.2022.

For Petitioner : M/s.Karthikaa Ashok

For Respondents : Mrs.P.T.Ramadevi



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ORDER

This writ petition is filed seeking to direct the respondents not to interfere with the peaceful street vending of the petitioner immediately after the replacement of the petitioner's shop in the same place at Nageswar Road in the one end entrance of the Gem Corner Snacks Shops by virtue of the Street Vendor (Protection of livelihood and Regulation of Street Vending) Act, 2014, considering the representation of the petitioner dated 17.09.2022 and 25.09.2022.

2. The case of the petitioner is that the petitioner is issued with an Identity Card by the respondent officials for running shop in the Street Margin of Nageswar Road between Gem & Co. Pen and Pothys Textiles. While so, on 16.09.2022, he was forcibly removed from the said place and a third party has put up a shop in the subject place. Hence, the petitioner made representations on 17.09.2022 and 25.09.2022, which is pending without consideration till date. Hence, this petition.

3. Mrs.P.T.Ramadevi, learned counsel for the respondents submitted that Town Vending Committee originally constituted was quashed earlier



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and further submitted that once Town Vending Committee is formed, the application of the petitioner will be considered on priority basis.

4. Heard the learned counsel for the petitioner; the learned counsel for the respondents and perused the materials placed on record.

5. Admittedly, the petitioner was recognised by the respondent officials and was issued with Identity Card as contemplated under Street Vendors Act, 2014, however, he was removed from the subject place on 16.09.2022 and a third party has been replaced in the subject shop. Considering the facts and circumstances of this case, this Court is of the view that till the formation of new Town Vending Committee, the respondent may consider the representations of the petitioner dated 17.09.2022 and 25.09.2022 and pass appropriate order(s) on merits and in accordance with law after providing opportunity of hearing to the petitioner within a period of one month thereafter, taking note of the fact that the petitioner is already recognised as a Street Vendor to run the shop in the street.



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6. With the above directions, this writ petition stands disposed of. No costs.

14.12.2022

dhk

Index : Yes / No

Speaking Order : Yes / No

To

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N.SATHISH KUMAR, J.

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