



WEB COPY



W.P.No.2574 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2023

CORAM

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No. 2574 of 2023

P.Malliga

.. 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 on the Platform in front side of Lakshmi Softy Ice-cream, measuring an extent of 4X4 Square Feet by virtue of the Street Vendor (Protection of livelihood and Regulation of Street Vending) Act, 2014 considering the representation of the petitioner dated 19.01.2023.

For Petitioner	: M/s.Karthikaa Ashok
For Respondents	: Mrs.P.T.Ramadevi



W.P.No.2574 of 2023

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 on the Platform in front side of Lakshmi Softy Ice-cream, measuring an extent of 4X4 Square Feet by virtue of the Street Vendor (Protection of livelihood and Regulation of Street Vending) Act, 2014 considering the representation of the petitioner dated 19.01.2023.

2. The case of the petitioner is that the petitioner is issued with an Identity Card by the respondent officials for running Bunk shop near Lakshmi Softy Ice-cream in Nageswar Road. While so, on 13.01.2023, she was forcibly removed from the said place and a third party has put up a shop in the subject place. Hence, the petitioner made representation on 19.01.2023, which is pending without consideration till date. Hence, this petition.

3. It is submitted by the learned counsel for the petitioner that the petitioner's right to livelihood is being denied and forcible eviction is



W.P.No.2574 of 2023

contrary to the provisions of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014.

4. Mrs.P.T.Ramadevi, learned counsel for the respondents submitted that Town Vending Committee originally constituted was quashed earlier and further submitted that once Town Vending Committee is formed, the application of the petitioner will be considered on priority basis.

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

6. Admittedly, the petitioner was recognised by the respondent officials and was issued with Identity Card as contemplated under Street Vendors Act, 2014, however, she was removed from the subject place on 13.01.2023 and a third party has been replaced in the subject shop.

7. 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



W.P.No.2574 of 2023

19.01.2023 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.

8. Taking note of the fact that the livelihood of the petitioners denied, the Government shall without any further delay constitute a committee to address the issue. Since, many writ petitions are filed on the ground that there is no vending committee appointed so far. Though representation is made to the Government, proposal is pending with the Government, there cannot be any inordinate delay in this regard. Such view of the matter, this Court directs the State Government to form a committee within a period of three months.

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

01.02.2023

dhk

Index : Yes / No

Speaking Order : Yes / No

4/5



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N.SATHISH KUMAR, J.

dhk

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W.P.No. 2574 of 2023

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(3/5)

5/5