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W.P.No. 10490 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2023

CORAM

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
AND
THE HONOURABLE MR.JUSTICE P. DHANABAL**

**W.P.No. 10490 of 2019
and
WMP.No.11002 of 2019**

Madras Pavement Traders
Welfare Congress (100/ 76)
Rep. by its The Secretary
No. 829 Anna Salai,
Chennai – 600002

..Petitioner

Vs

- 1 The Chairman
Hawking Zone Implementation Committee
No. 7/ 6 R.A.Puram 3rd Cross Street,
R.A.Puram, Chennai - 28
- 2 The Commissioner
Corporation of Chennai Ribbon Building
Chennai
- 3 The Zonal Officer
Zone Office - 5
The Greater Chennai Corporation
No. 61 Basen Bridge Road ,Chennai - 21

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4 The Assistant Executive Engineer
Zone 5 The Greater Chennai Corporation,
Pudhupettai Unit – 63, Chennai

5 The Town Vending Committee
Zone-V The Greater Chennai Corporation
No.61 Basen Bridge Road Chennai-21.
(R5 impleaded vide order of this Court
dt 11/06/2019)

..Respondents

Prayer: Writ Petitions are filed under Article 226 of Constitution of India to issue any Writ, Order or Directions, forbearing the respondents 3 and 4 from disturbing in any manner the peaceful Street Vending of the licensed members of the petitioners Sangam at EB Link Road Chennai 600002 without prior notice as per the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act 2004 and may further direct the respondent No. 1 to conduct an enquiry and to take appropriate steps to provide basic facilities and safety to the Street Vendors in the EB Link Road Chennai 600002.

For Petitioner : Mr. S.Meenakshi
For Respondents : Mrs. P.T. Ramadevi,
Standing Counsel -R1 to R5.

ORDER

(Order of the Court was made by D.KRISHNAKUMAR, J.)

Seeking directions to the 1st respondent to conduct an enquiry and to take appropriate steps to provide basic facilities and safety to the Street Vendors in the EB Link Road Chennai 600002, the petitioners' association has filed the present writ petition.



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2. The learned counsel for the petitioner would submit that the welfare congress is consisting of 147 hawkers in the EB Link Road and doing street vending for more than 40 years. The Committee by order dated 02.09.2021 made a list of 147 hawkers of petitioners' union and issued identity cards to carry out their business. As the Link Road completely lacks security and no basic facilities are available, they could not carry out their hawking peacefully. On 20.02.2019, the 4th respondent with the police, had closed all the petitioners' bunks. The petitioners had sent representation dated 01.03.2019 to the respondents, but no action has been taken. Hence the present writ petition seeking directions to the respondents.

3. On the other hand, the learned standing counsel appearing for the respondents by placing reliance on the counter affidavit filed by the 4th respondent, has submitted that the recommendation of the Hawking Zone Committee was considered and so, the petitioners were allotted with the space to hawk at E.B. Link Road. The hawkers were allotted to vend at E.B Link Road were given with the licence identity cards and the hawkers were



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permitted on the terms and conditions stipulated in consonance with the
hawking committee.

4. The learned standing counsel appearing for the respondents would further stated in the counter affidavit that with the help of police, nine bunks belonging to the members of the petitioner's association who had failed to remove the bunk inspite of several reminders were removed by the Greater Chennai Corporation authorities and same is now lying in the office of the respondent-Corporation. Subsequently, few members of petitioner association had removed the belongings which were locked inside the bunk.

5. Heard the learned counsel appearing for the petitioner and the learned standing counsel appearing for the respondents and perused the materials available on record.

6. The contention of the learned counsel for the petitioner is that the members of the petitioners' association who carried street vending in EB Link Road, Chennai are proper license holders issued by the 1st respondent.



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Therefore, the action of the 1st respondent in seizing the bunk shops of members of petitioners' association is clear violation of principle of natural justice.

7. At this juncture, the learned standing counsel for the respondents would submit that new Committee has been constituted by the respondent-Corporation, therefore if any representation is made by the petitioners' welfare association to the new Committee, the same will be considered.

8. In view of the above submissions made by the learned counsels appearing for the parties concerned, We are of the view that the petitioners' association without approaching the concerned Committee to redress their grievance, has filed the present writ petition. Therefore, We are inclined to pass the following order;

- i. The members of the Petitioners' Welfare Congress shall make individual representation to the newly constituted Town Vending Committee/5th respondent, within a period of two weeks from the date of receipt of a copy of this order.



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- ii. On receipt of such representation from the members of the petitioners' association, the newly constituted Committee shall consider the same on its own merits and in accordance with law, as expeditiously as possible, within a period of twelve (12) weeks thereafter.

9. With the above directions, the writ petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

(D.K.K., J.) (P.D.B., J.)

05.06.2023

Index: Yes / No

Internet: Yes

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