



Writ Petition No.11125 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Writ Petition No.11125 of 2023

and

W.M.P.No.10978 of 2023

Binge 4 Food & Beverages,
represented by Partner,
Barath Jaiyanth,
having principal place of business at
No.8, Ground Floor,
Sivasakthi Nagar,
1st Main Street, MRH Road,
Madhavaram, Chennai - 600 060.

... Petitioner

Vs.

- 1.The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai - 600 003.
- 2.The Chairperson/Executive Engineer,
Township Vending Committee Zone XIII,
Corporation of Chennai,
Chennai - 600 020.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondents from interfering with the running of the petitioner's food truck "Tickle Truck" near 32nd Cross Street, Besant Nagar, Chennai Corporation Ward No.176, Chennai - 600 090, wherein the petitioner specialize in serving ice creams and popsicle therein till the petitioner's representation dated 03.03.2023 is considered and decided as per the provisions of the Street Vendors (Protection of Livelihood Regulation) Act, 2014 by the respondents.

For Petitioner : Ms.M.Karpagam

For Respondents : Ms.P.T.Ramadevi
Standing Counsel

ORDER

This writ petition has been filed for issuance of a writ of mandamus forbearing the respondents from interfering with the petitioner running his mobile vending business till the representation of the petitioner is considered and decided as per the provisions of the Street Vendors (Protection of Livelihood Regulation) Act, 2014, by the respondents.

2. Heard Ms.M.Karpagam, learned counsel for petitioner and



3. It is seen from records that the petitioner is running a mobile vending business in the name and style of 'Binge 4 Food & Beverages' at Madhavaram. The officials belonging to the respondents corporation started taking steps to prevent the petitioner from running the vending business and informed the petitioner that he must obtain the Street Vending ID Card by applying to the Town Vending Committee and also get a certificate of vending. The petitioner was in the process of applying and found to his dismay that the Street Vending Committee that was formed by the State Government was set aside by the Honourable First Bench of this Court by an order dated 27.04.2022 made in W.P.No.6799 of 2022. In view of the same, the petitioner is not in a position to submit his application and at the same time, the vending business carried on by the petitioner is under threat. Left with no other option, the present writ petition has been filed before this Court.

4. The issue involved in the present writ petition has been dealt with



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in many cases and this Court has consistently given directions to the Corporation, to wait till the Town Vending Committee considers their claim and takes a decision. One such writ petition came up before the Division Bench of this Court in W.P.No.1096 of 2023 etc. batch. For proper appreciation, the relevant portion in the order is extracted hereunder:

"7. The learned Standing Counsel appearing for the respondents submitted that the Town Vending Committee formed by the State Government was set aside by the First Bench of this Court by order dated 27.04.2022 made in W.P.No.6799 of 2022. Now, the respondents are taking steps to form a new committee. He further submitted that on formation of new committee, the petitioners' representation dated 27.12.2022 will be considered on merits.

8. Considering the above submissions of the learned counsel appearing for the petitioners as well as learned Standing Counsel appearing for the respondents, the respondents are directed to consider the representation of the petitioners' dated 27.12.2022 on formation of the new committee. Till such time, the respondents are restrained from taking any coercive steps against the petitioners."

5. In the light of the above, this Court is inclined to give a similar protection to the petitioner also. Hence, there shall be a direction to respondents to consider the representation of the petitioner dated 03.03.2023 on formation of the new committee and till such time, the respondents are restrained from taking any coercive steps against the



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petitioner.

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Accordingly, this Writ Petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

12.04.2023

Index : Yes/No

Speaking Order / Non Speaking Order

Neutral Citation: Yes/No

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To

- 1.The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai - 600 003.
- 2.The Chairperson/Executive Engineer,
Township Vending Committee Zone XIII,
Corporation of Chennai,
Chennai - 600 020.

N. ANAND VENKATESH, J

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