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W.P.No.10842 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

and

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.No.10842 of 2023

and

W.M.P.No.10769 of 2023

E.Selvam
C/o.Ezhumalai
Proprietor Pepino Foods
Shop No.1, 32nd cross street
Thiruvalluvar Nagar
Besant Nagar, Chennai-600 090.

.. Petitioner

Vs.

1.The Commissioner,
Greater Chennai Corporation,
Ripon Buildings,
Chennai – 600 003.

2.The Chairperson / Executive Engineer,
Township Vending Committee Zone XIII,
Corporation of Chennai,
Chennai – 600 020.

.. 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 food



truck “Pepino Foods” near Shop No.1, 32nd cross street, Thiruvalluvar Nagar, Besant Nagar, Chennai-600 090, wherein the petitioner is specialized in serving Mexican and Italian cuisines therein till the Petitioner's representation dated 03.02.2023 is considered and decided as per the provisions of the Street Vendors (Protection of Livelihood Regulation) Act, 2014 by the respondents.

For Petitioner : Mr.M.Karpagam

For Respondents : Ms.P.T.Ramadevi
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 running of the petitioner's food truck “Pepino Foods” near Shop No.1, 32nd cross street, Thiruvalluvar Nagar, Besant Nagar, Chennai-600 090, wherein Mexican and Italian cuisines are served therein, till his representation dated 03.02.2023 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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2.By consent of the learned counsel appearing for the petitioner and Ms.P.T.Ramadevi, learned Standing Counsel, who takes notice for respondents, this Writ Petition is taken up for final disposal at the admission stage itself.

3.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.

4.According to petitioner, he is running a mobile vending business in the name and style of “Pepino Foods” from the year 2018, by obtaining necessary license from the Food Safety and Standard Authority of India with Registration No.22419550000618. Further, he also registered his business under the Goods and Service Tax Act and obtained Trade Mark for the brand name “PEPINO” under Trade Mark Registration No.4424705. The officials of the respondents visited the food truck of the petitioner several times and threatened to seize his food truck stating that the petitioner must obtain Street Vending ID Card and apply to the Town Vending Committee for 'Certificate of Vending'. When the petitioner approached the 2nd respondent for the same, the 2nd respondent informed him orally that enumeration process of collecting details like



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names of vendors, nature of vending, area / place of vending was handed over to private agencies by the Corporation of Chennai. The State of Tamil Nadu recently formed the Street Vending Committee to regulate street vendors in Chennai and the 2nd respondent is the Chairperson for the said committee for Zone XIII. Hence, the petitioner sent representation dated 03.02.2023 to the respondents for issuing ID Card and to issue certificate of vending to continue food truck business. Since, no order has been passed on the said representation dated 03.02.2023, the petitioner has come out with the present Writ Petition.

5.From the above materials, it is seen that the petitioner has approached the respondents for issue of Street Vendor ID and Certificate of Vending. The respondents have not considered the application of the petitioner.

6.Considering the above, the respondents are directed to consider the application of the petitioner dated 03.02.2023 and pass orders on merits and in accordance with law, after giving personal hearing to the petitioner, within a period of four weeks from the date of receipt of a copy of this order. Till such time, the respondents are restrained from taking any coercive steps against the petitioner.



7. With the above directions, the Writ Petition is disposed of.

Consequently, the connected Miscellaneous Petition is closed. No costs.

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(V.M.V., J) (V.L.N., J)
11.04.2023

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

1. The Commissioner,
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2. The Chairperson / Executive Engineer,
Township Vending Committee Zone XIII,
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