



W.P.No.19719 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2023

CORAM

**THE HON'BLE MRS. JUSTICE J.NISHA BANU
AND
THE HON'BLE MRS. JUSTICE N.MALA**

W.P.No.19719 of 2013

Chakrapani Vijayaram

... 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.

3.M/s Hot Wagon
Represented by Mr.G.Mohammed Faried

4.M/s Lasso Food Truck
Represented by Mr.T.A.Mohammed Maahin Ibrahim

5.M/s Mono Food Truck
Represented by Mr.Gowtham Sharan

6.M/s Mono Food Truck
Represented by Mr.Balaji.H

7.M/s Mono Food Truck



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Represented by Mr.Abdul Rahman Sadiq.P

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8.The Secretary
Municipal Administration Department
Fort.St.George
Chennai – 600 009.

9.The Secretary
Housing and Urban Development
Fort.St.George
Chennai – 600 009.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, to direct the respondents 1 and 2 to remove the unauthorized and illegal street vendors i.e., respondents 3,4,5,6 and 7 from 4th main road, Besant Nagar, Chennai – 600 090.

For Petitioner : Mr.Rahul Jagannathan
For Respondents : Mr.D.B.R.Prabhu, SC
for RR1 & 2
Mr.Sanjay N.Gandhi
for RR3 to 7
Mr.E.Vijay Anand, AGP
for RR8 & 9

ORDER

(Order of the Court was made by N.MALA, J.,)

This Writ Petition has been filed for issuance of Writ of Mandamus, to direct the respondents 1 and 2 to remove the unauthorized and illegal street vendors i.e., respondents 3,4,5,6 and 7 from 4th main road, Besant Nagar, Chennai – 600 090.



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2.The petitioner is the resident of 4th main road, Besant Nagar, Chennai – 600 090, for the past 18 years and leading a peaceful life without any issues of heavy crowding, parking problems and issues of cleanliness on the roads. Towards the end of 2021, a food truck was set up on the 4th main road in the name and style of Madras Food Truck and thereafter another food truck was set up in January 2022. According to the petitioner, in the year 2022, many more food trucks were set up by various individuals which started creating troubles to the residents of the 4th main road, Besant Nagar, Chennai. While so, the respondents 3 to 7 filed a Writ Petition before this Court in W.P.Nos.1096, 1103 and 1106 of 2023 praying to forbear the official respondents therein from interfering with the running of their food truck near the 4th main road, Besant Nagar, Chennai, till their representation dated 27.12.2022 was considered, in accordance with the provisions of the Street Vendors (Protection of Livelihood Regulation) Act, 2014. After hearing both sides, this Court by an order dated 12.01.2023 directed the respondents therein to consider the representation of the petitioners, on formation of the new committee and further restrained the respondents therein from taking any coercive steps against the petitioners.



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3.It is the further case of the petitioner that the respondents 3 to 7 taking advantage of the orders of this Court, were continuing the business illegally and unauthorizedly, thereby causing immense inconvenience to the residents of the 4th main road, Besant Nagar, Chennai. Therefore, the petitioner filed the present Writ Petition for issuance of Writ of Mandamus to remove the unauthorized and illegal street vendors i.e., respondents 3 to 7.

4.When the matter was taken up for hearing on 05.07.2023, the learned Standing Counsel appearing for the respondents 1 and 2 sought time to get instructions on the formation of new Vending Committee, as ordered by the Division Bench of this Court vide order dated 12.01.2023 in W.P.Nos.1096, 1103 and 1106 of 2023. Thereafter, the matter was taken up on several occasions, but still the learned Standing Counsel was not able to place the instructions before this Court.

5.Today, it is brought to the knowledge of this Court by the learned counsel for the petitioner that one of the resident of 4th main road, Besant Nagar, Chennai has already filed a Writ Petition in W.P.No.12391 of 2023 with a similar prayer and this Court by an order dated 25.04.2023 directed the



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respondents therein to form a Town Vending Committee within a period of three months from the date of receipt of the order and further directed the respondents therein to consider all the applications of the street vendors as well as the representation of the petitioner therein, so that the grievance of the residents of the 4th main road could be redressed.

6.Heard the learned counsel for the petitioner as well as the learned counsel appearing for the respondents.

7.It is pertinent to note here that though several adjournments were given to the respondents 1 and 2 to enable them to form the new vending committee, no positive action has been taken so far. We are therefore of the view that the respondents 1 and 2 in the guise of formation of new committee, cannot allow the respondents 3 to 7 to carry the illegal and unauthorised street vending, in 4th main road, Besant Nagar, Chennai, which undoubtedly is causing immense trouble to the residents. We therefore, direct the respondents 1 and 2 to take immediate action to remove the un-authorized and illegal street vendors, viz., the respondents 3 to 7 from the 4th main road, Besant Nagar, Chennai, within a period of four weeks from the date of receipt of a copy of



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this order. It is needless to state that if the new committee is formed within the aforesaid period, this order shall not stand in the way for implementing the same.

8. With the above directions, this Writ Petition stands allowed. No costs.

(J.N.B,J.)

(N.M,J.)

Index : Yes / No

25.09.2023

Internet : Yes / No

Speaking order/Non-speaking order

Neutral Citation : Yes / No

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To

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