



WEB COPY



W.P. No. 32804 of 2019 etc., batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

Writ Petition Nos. 32804, 32811, 32817, 32822 of 2018,
6228, 6234, 6241 and 6244 of 2019

and

W.M.P. Nos.38018, 38024, 38027, 38030 of 2018,
7075, 7082, 7087 and 7090 of 2019

1691, 1692, 1694, 1699 of 2020
and 11466 of 2021

W.P. No.32804 of 2018

Sakila

.. Petitioner

Versus

1. The State Commissioner for
Differently Abled,
O/o. State Commissioner for Differently Abled,
Kamarajar Salai,
Chennai – 600 005.

2. The Assistant Divisional Engineer,
(Building and Maintenance),
Highways Department,
Tambaram Sub Division,
Velacherry,
Chennai – 600 042.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India to
issue a Writ of Mandamus forbearing the 2nd respondent, his officials,
servants from evicting the petitioner's bunk shop at near Elcot IT Park, near
Neem Tree, In-gate, Medavakkam Road, Sholinganallur, Chennai – 600 119,



W.P. No. 32804 of 2019 etc., batch

wherein selling Tea, Coffee, snacks and food items expect under the provisions of the Street Vendors (Protection of Livelihood Regulation) Act, 2014.

For Petitioner : Mr. L. Chandrakumar
in all the Writ Petitions

For Respondents : Mr. U. Baranidharan,
Addl. Govt. Pleader
in all the Writ Petitions

COMMON ORDER

Since the issue involved in all these writ petitions is one and the same, these writ petitions are disposed of by this common order.

2. These writ petitions have been filed by respective petitioners, who are running bunk shops at Elcot It Park, Sholinganallur, Chennai and at CTH Road, Avadi, Chennai. Their common grievances is that they are differently abled persons and carrying on their business to meet out their livelihood but the respondents are attempting to forcibly evict them by branding them as encroachers. It is stated that earlier, they were permitted to run the business by the Street Vendor Committee, but subsequent to abolition of the said committee, the Government have to take steps to form another committee. In the absence of the Committee, the respondents are forcibly attempting to evict them and therefore they have filed the writ petitions.



W.P. No. 32804 of 2019 etc., batch

3. Learned counsel for the petitioners submits that the petitioners are carrying on their business to eke out their livelihood and the said place is not covered under the State Highways Department. Further, he submitted that the petitioners were regulated under the Street Vendors (Protection of Livelihood Regulation) Act, 2014 and the Committee formed thereof has been abolished. After abolition, the Government is yet to form Township Vending Committee to regulate street vendors. In such circumstance, the learned counsel for the petitioners would only submit that it would suffice, if a direction is issued by this Court to the respondents not to evict the petitioners till such committee is formed to rehabilitate the Vendors like the petitioners.

4. Reiterating the counter affidavit, learned Additional Government Pleader appearing for the respondents submitted that the petitioners are causing public nuisance. Whether the petitioners are carrying in the lands belong to the Corporation or the Highways Department, the petitioners are carrying unauthorised business and they are sought to be evicted by following all the due process of law.

5. Heard learned counsel on both sides and perused the materials placed on record.



W.P. No. 32804 of 2019 etc., batch

6. The facts in the case are not in dispute. The petitioners are carrying on business in the land belonged to the Corporation or State Highways Department. Whether the petitioners are liable to be evicted by the Corporation or the State Highways Department itself is disputed. In such circumstances, in order to render justice, it would be appropriate to direct the respondents to carry out a survey of the lands which are in occupation of the petitioners and to ascertain whether those lands fall within the limits of the Corporation of Chennai or the State highways Department. As per the outcome of the survey, if the lands in question belong to the State Highways Authorities or the Corporation, appropriate action shall be initiated as per the relevant rules. It is made clear that if the land belongs to the Corporation of Chennai, then possession of the petitioners may not be disturbed, till such time the State Government constitutes a Committee to regulate the vendors/hawkers.

7. With the aforesaid directions, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

29.03.2023

Index: Yes/ No

Speaking order / Non speaking order

Neutral citation : Yes / No

vsi2

<https://www.mhc.tn.gov.in/judis>



WEB COPY



W.P. No. 32804 of 2019 etc., batch

M.DHANDAPANI, J.

vsi2

To

1. The State Commissioner for
Differently Abled,
O/o. State Commissioner for Differently Abled,
Kamarajar Salai,
Chennai – 600 005.

2. The Assistant Divisional Engineer,
(Building and Maintenance),
Highways Department,
Tambaram Sub Division,
Velacherry,
Chennai – 600 042.

Writ Petition Nos. 32804, 32811,
32817, 32822 of 2018,
6228, 6234, 6241 and 6244 of 2019

29.03.2023