



WP(MD)Nos.13005, 16317 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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RESERVED ON : 26.09.2023

PRONOUNCED ON : 22.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

WP(MD)Nos.13005, 16317 of 2023

and

WMP(MD)Nos.11013, 11014, 13650 of 2023

WP(MD)No.13005 of 2023:-

R.Jeyabharath

: Petitioner

Vs.

- 1.The Director of Municipal Administration,
O/o.Director of Municipal Administration,
75, Urban Administrative Building,
Santhome High Road,
MRC Nagar, Raja Annamalaipuram,
Chennai – 600 028.
- 2.The Joint Commissioner of Municipal Administration,
Directorate of Municipal Administration,
75, Urban Administrative Building,
Santhome High Road,
MRC Nagar, Raja Annamalaipuram,
Chennai – 600 028.



WP(MD)Nos.13005, 16317 of 2023

3.The Regional Director of Municipality,
Municipal Administration,
Melakkal Road,
Kochadai,
Madurai.

4.Ramanathapuram Municipality,
Rep. by Commissioner (In-charge),
Ramanathapuram District,
Ramanathapuram.

5.R.Mayil Vahanam : Respondents

[R.5 is deleted and the rank of R.6 is rearranged as R.5, vide order dated 06.06.2023]

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Declaration to declare the tender cum auction dated 15.03.2023 in Na.Ka.No.3868/2019/A2 granted in favour of the fifth respondent and consequential impugned order in Na.Ka.No. 3868/2019/A2 dated 06.04.2023 on the file of the fourth respondent as illegal, quash the same and consequently, directing the respondents 1 to 4 to grant the tender in favour of the petitioner.



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For Petitioner : Mr.T.Lajapathi Roy,
Senior Counsel
Assisted by
Mr.T.Aswin Rajasimman
for M/s.Lajapathi Roy and Associates

For Respondents: Mr.R.Baskaran,
Additional Advocate General
Assisted by
Mrs.D.Farjana Ghoushia,
Special Government Pleader
for R.1 to R.3

Mr.A.Kannan for R.4

Mr.Issac Mohanlal,
Senior Counsel
Assisted by
Mr.P.Paranthaman for R.5

WP(MD)No.16317 of 2023:-

R.Mayil Vahanam

: Petitioner

Vs.

1.The Director of Municipal Administration,
Directorate of Municipal Administration,
75, Urban Administrative Building,
Santhome High Road,
Chennai – 600 028.



WP(MD)Nos.13005, 16317 of 2023

2.Ramanathapuram Municipality,
Rep. by Commissioner (In-charge),
Ramanathapuram District,
Ramanathapuram.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned order dated 01.06.2023 in Na.Ka.No. 3868/2019/A2 passed by the second respondent, quash the same and consequently, forbear the respondents from in anyway interfering with the collection of fees from the Street Vendors.

For Petitioner : Mr.Issac Mohanlal,
Senior Counsel
Assisted by
Mr.P.Paranthaman

For Respondents: Mr.R.Baskaran,
Additional Advocate General
Assisted by
Mrs.D.Farjana Ghoushia,
Special Government Pleader
for R.1

Mr.A.Kannan for R.2



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COMMON ORDER

Ramanathapuram Municipality has floated a tender on 07.02.2023 calling upon tenders for collecting fee from the Street Vendors within the limits of Ramanathapuram Municipality area for the period from 01.04.2023 to 31.03.2026. The petitioner in WP(MD)No.13005 of 2023, namely, Jeyabharath and the petitioner in WP(MD)No.16317 of 2023, namely, Mayil Vahanam, have participated in the tender process. Mayil Vahanam is the successful bidder and Jeyabharath is the unsuccessful bidder in the tender process.

2.The case of the unsuccessful bidder is that the successful bidder has not paid the lease amount as per the notification dated 07.02.2023. Therefore, he has filed the writ petition in WP(MD)No.13005 of 2023 as against the grant of license issued in favour of Mahil Vahanam, the successful bidder.



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3.The successful bidder has filed the other writ petition in WP(MD)No.16317 of 2023 as against the demand notice dated 01.06.2023 issued by the Commissioner of Ramanathapuram Municipality demanding a sum of Rs.34,78,536/-. According to the successful bidder, pursuant to the auction, he has paid a sum of Rs.57,14,408/- on 19.04.2023. Apart from this amount, he has already paid a sum of Rs.30 Lakh before the Ramanathapuram Municipality and therefore, the Municipality is not justified in making the impugned demand.

4.Since both these writ petitions are related to the tender floated by Ramanathapuram Municipality for collecting fee from the Street Vendors, both these writ petitions are taken up together and disposed by way of this common order.

5.For the sake of brevity, the parties are referred to by their respective names.



6.The subject matter of these writ petitions is for the license to collect rent from the Street Vendors in Ramanathapuram Municipality for a period of three years. Jeyabharath has quoted a sum of Rs.66 Lakh and Mayil Vahanam has quoted a sum of Rs.91,92,944/- in the tender. Since Mayil Vahanam has quoted the highest amount, he was declared as the successful bidder and issued with the license to collect rent from the Street Vendors from 01.04.2023 and he has also started collecting the rent.

7.According to Jeyabharath, the participants of the tender have to deposit a sum of Rs.15 Lakh as a security deposit for participating in the auction and another Rs.15 Lakh as a security deposit, in total, a sum of Rs.30 Lakh has to be deposited. These deposits are not connected with the lease amount and at the time of completion of lease period, these amounts would be released by the Municipality. Though Mayil Vahanam has quoted Rs.91,92,944/- as the lease amount, he has paid only a sum of Rs.57,14,408/- after deducting this Rs.30 Lakh, which is in violation of the tender conditions.



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8. After the filing of this writ petition by Jeyabharath, the Commissioner of Ramanathapuram Municipality has made a demand by the impugned notice dated 01.06.2023. Challenging the same, the successful bidder, Mayil Vahanam, has filed the other writ petition stating that he has already paid a sum of Rs.30 Lakh before the Ramanathapuram Municipality and that though the tender period is from 01.04.2023, the order granting license was issued only on 19.04.2023. Therefore, after deducting a sum of Rs.4,78,534/- for this 19 days, he has paid a sum of Rs.57,14,408/- on 19.04.2023.

9. The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act has been enacted in the year 2014. The urban street vendors and their vending activities are regulated under this Act. To implement the provisions of this Act, the respective State Governments were also directed to frame their own scheme under Section 38 of the Act. Accordingly, Tamil Nadu Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme and Rules, 2015, was notified by the



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State of Tamil Nadu on 02.11.2015 vide G.O.Ms.No.159, Municipal
Administration and Water Supply Department.

10.As per the Act and the Rules, the Ramanathapuram Municipality ought to have identified the street vendors, the vending zones and the non-vending zones. The street vendors have to be permitted only in the vending zones and that too, after enlisting the street vendors. A Vending Committee has to be constituted as per the Act and this Vending Committee alone is competent to enlist the street vendors and also for identifying the vending zones.

11.This Court has perused the tender notification. The tender notification does not prescribe the area in which the Street Vendors are permitted. The eligible rent which has to be collected from the Street Vendors is also not prescribed. It appears that there is a heavy competition in the tender and it has been taken by Mayil Vahanam for a sum of Rs.91,92,944/-.



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12. After the filing of the writ petition by the unsuccessful bidder, Jeyabharath, in WP(MD)No.13005 of 2023, the Commissioner of Ramanathapuram Municipality has filed a counter affidavit, wherein, the Commissioner has took the following stand:-

"4. ... to stream line and to regularize the Street Vendors within the specified Municipal Limit places, the Municipality has called for the Tender in Public Auction cum sealed Tender for granting License to collect the FEES from the Street Vendors for 3 years from 2023 to 2026. The Tender was called for and conducted on 30-03-2023 as per the Act & scheduled time and date. In the said Tender, the 5th Respondent, R.Mayil Vahanam was found as the highest Bidder among 11 bidders. ...

5. ... On the bonafide belief upon the Lease holder R.Mayilvahanam whose amount of Rs.30,00,000/- is being kept as security deposit along with the part paid Lease Amount of Rs. 57,14,408/-, the License was granted to collect rent from the Street vendors from 19-04-2023 onwards. Accordingly he started collecting rent from the street vendors from 19-04-2023.

6. ... that, the Lease holder was not acted upon his undertaking Letter and failed to pay the Balance Lease Amount of Rs.34,76,536/-



(includes all taxes) within the permitted time. Since the Lease holder R.Mayilvahanam has not paid the balance lease amount and delayed to pay the same, notices were sent on 18-05-2023 and 01-06-2023 to pay the balance amount of Rs.34,76,536/- with a warning to cancel the license if failed to do so. In spite of our Warning Notices and personal warning about the non-payment of the Lease balance amount, the Lease holder has not come forward to pay the same and kept silence. Hence, suitable Council Resolution was initiated to take appropriate action to cancel the License as per the Lease conditions. Even after filing this writ petition the lease due is not paid."

13.*Prima facie*, it appears that the Ramanathapuram Municipality, without identifying the places for vending and without enlisting the street vendors, has floated a tender and also awarded the lease in favour of Mayil Vahanam, enabling him to permit anybody for street vending anywhere, all over the Ramanathapuram Municipality area and also permitted him to collect any amount as rent from the street vendors. Surprised with the manner in which the tender has been floated and the manner in which it has been awarded, this Court, by order dated 10.07.2023, raised the following queries to be answered by the Director of Municipal



Administration:-

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a) Whether the Vending Committee, as per the Act, has been constituted in all the Municipalities?

b) Whether the vending zone and non-vending zone, as contemplated under the Act, has been identified and notified in all the Municipalities?

c) Whether the street vendors are classified and issued with certificates in all the Municipalities, as contemplated under Section 4 of the Act?

d) Whether the Director ratify the conduct of Ramanathapuram Municipality in leasing out the right to collect fee on the street vendors in the Ramanathapuram Municipality area without complying the requirements as per the Act?

e) If the street vendors are not classified and issued with any certificates, how there can be a tender without prescribing the number of vendors and without prescribing the fee as contemplated under the Scheme and Rules, which has to be collected by the tenderer from the vendors?

f) Whether any other Municipalities have awarded similar such tenders, without complying the requirement of the Act?

g) While delegating this power of collecting by engaging private agencies, how the Municipalities are ensuring that the prescribed



amount is collected and that the enlisted vendors alone are permitted only in the respective vending zones?

14. In response to the same, the Director of Municipal Administration has filed his reply as under:-

“After the introduction of the Street Vendor (Protection of Livelihood and Regulation of Street Vending) Act, 2014, by the Government of India, the Government of Tamil Nadu has issued an order constituting the State Project Sanctioning Committee involving the sectoral Department vide G.O.(Ms)No.83, MA & WS Department, dated 14.07.2014.

In continuation to this, the Commissioner of Municipal Administration, vide letter Roc.No:31371/2008/UPA-2, dated 01.08.2014 and 28.08.2014, has issued instructions to all the ULBs to take up the street vendor survey using the bio-metric identification of beneficiaries.

The State Government has issued a gazette notification on 02.11.2015 for the Tamil Nadu Government (Protection of Livelihood & Regulation of Street Vending) Schemes and Rules, 2015, where rules regarding the implementation of above said act has been notified.

...



After the completion of survey, 67,473 street vendors have been identified and 61,625 ID cards have been issued to the eligible street vendors and 135 Town Vending Committee had been formed as detailed in annexure-1. The vending zone and the no-vending zone had been identified as contemplated under the Act 2015 of Tamil Nadu after it came into force, but the same were not notified.

...

The DMA vide letter Roc.No:20789/2021/UPA1, dated 23.09.2022 had issued instructions to all the ULBs to undertake the street vendors survey. Now survey is in progress in all the ULBs to identify the street vendors.

Out of 158 present ULBs, survey has been completed in 114 ULBs. So far 1,35,349 street vendors have been identified. Out of the identified street vendors, 30,929 of street vendors have been provided with the ID cards as detailed in annexure-II. As and when survey is completed, simultaneously the ID cards are being issued by the ULBs to the identified street vendors.

...

At Ramanathapuram Municipality, as per the Act, survey was taken up during the year 2016 to identify street vendors. 352 street vendors were identified and identity cards have been issued to 352 street vendors. Street Vending Committee was formed on 19.12.2016. Now,



fresh survey was done in 2022, in which 329 street vendors have been identified and 329 ID cards have been issued.

... As far as Ramanathapuram Municipality issue is concerned, in this office letter Roc.No:23913/2023/UPA, dated 07.09.2023, instructions have been issued to the Commissioner to cancel the tender and to fix the vending fees as per the provision in Section 9 of the Tamil Nadu Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme and Rules, 2015 and to collect the fee from vendors to whom the certificate of vending is issued."

15.A detailed implementation plan (DIP) for street vendors of Ramanathapuram Municipality under the National Urban Livelihood Mission is also placed before this Court. The Director of Municipal Administration has filed his written submissions on 11.09.2023 along with the Street Vendors survey report prepared in the year 2017 and a Circular issued on 08.09.2023. The Director fairly submitted that vide his letter in Roc.No.239913/2023/UPA dated 07.09.2023, instructions have been issued to the Commissioner of Ramanathapuram Municipality to cancel the

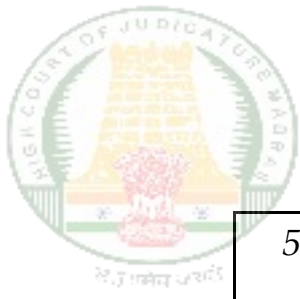


tender and to fix the vending fees, as per the provisions under Section 9 of the Tamil Nadu Street Vendors Scheme, 2015 and to collect the fees from the vendors to whom certificate of vending is issued. The relevant paragraphs of the Circular dated 08.09.2023 is also extracted as under:-

“As per the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, of Government of India in Chapter II, section 3 specifies that “conduct a survey of all existing street vendors, within the area under its jurisdiction and subsequent survey shall be carried out at least once in every five years”

In the reference 5th cited, the DMA has issued instructions to all the ULBs to undertake the street vendors survey and the survey is in the process. In continuation of this, all the ULBs are instructed to adhere the following time schedule and to complete the formation of fresh vending committee, in case existing town vending committee has completed its tenure of five years or no town vending committee had been formed earlier.

Sl.No.	Activity	Time line
1	Completion of ongoing street vendors survey	31.10.2023
2	Issue of ID cards to street vendors	15.11.2023
3	Conducting Election to select Vending Committee members	31.12.2023
4	Town Vending Committee formation	20.01.2024



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5	Identification of Vending Zone and Non-Vending Zone	28.02.2024
6	Preparation of Street Vending Plan	31.03.2024

All the activities mentioned above should be completed in the time specified without any delay. The Action Taken Report should be send to this office."

16.In view of the fair stand taken by the Director of Municipal Administration and the further course of action proposed as well as taken, this Court is not inclined to adjudicate this issue anymore. This Court places its appreciation to Mr.S.Sivaraju, I.A.S., Director of Municipal Administration, Government of Tamil Nadu, for his honest approach on this issue. In my experience, I have noticed the attitude of the officials in justifying the mistakes committed by their subordinates, even though it was done without following the due process. The Executives are expected to discharge their duties to serve the people in accordance with law. However, the attitude of the Executives is now changed and most of them are using the law for their private gains. It is disheartening to see that law



is now used as a tool or a weapon to extract money, rather than serving its object.

17. Street vendors are the lowest class of the Society, who are eking their livelihood by vending in the streets. Most of these people are not having sufficient skills, education and support. The Hon'ble Supreme Court, in *Sodan Singh & Others v. New Delhi Municipal Committee & Others* [1989 AIR 1988], has recognised them at the cost of the general public for using the road, only by considering their plight. On the directions of the Hon'ble Supreme Court in *Gainda Ram & Others v. Municipal Corporation of Delhi & Others* [2010 (10) SCC 415], an Act and scheme for the street vendors have been framed. Public Streets and Public Roads are meant for general public to travel. We have to take a balance between the requirements of the general public for using the road and these poor street hawkers / Vendors. If we allot the entire pavement to the street vendors, then we are compelling the pedestrians to walk in the roads. Therefore, the scheme has been framed in such a manner with a condition to constitute a Committee of representatives from Police (Law



and Order & Traffic), Medical Health Officer, a representative from the Chamber of Commerce, People Welfare Society, Sanitary Officers, NGOs and representatives from Street Vendors. This Committee is expected to identify the Vending Zone and the Non-Vending Zone. Certain guidelines have been issued by the Government of Tamil Nadu, under the Tamil Nadu Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme and Rules, 2015, for the identification of vending zones and the same is extracted as under:-

“20. Identification of vending zones: (1) The Town Vending Committee shall within a period of six months from the date of the publication of this Scheme identify the ‘vending zones’ and the ‘No vending zones’ for street vending and shall publish the details in the notice board of the local authority concerned.

(2) (a) The ‘vending zones’ and ‘No vending zones’ shall be identified based on the width of the street, volume of traffic and the number of pedestrians passing through the street and such other factors as may be material to identify the said zones in such a way that no or minimum inconvenience is caused to the general public using the street as well as the residents of the street and traders carrying on their business from the private properties abutting such street.

(b) The identification of the vending zones shall be done in



consultation with the Traffic Police or Police having jurisdiction over the area concerned. The police may recommend a place to be a vending zone, the local authority concerned may accept, modify or reject the recommendations with due reasoning and designate a place or location as vending zone, as it deems fit.

(c) Any person aggrieved by the designation of the vending zones in an area shall be entitled to make a representation to the Town Vending Committee concerned the Committee shall consider the same and dispose within a period of fifteen days from the date on which the representation is received or in the next meeting of the Town Vending Committee, whichever is earlier.

(3) The identification of vending zones and no-vending zones shall be periodically reviewed by the Town Vending Committee once in five years in the same manner specified in sub-clause (2), particularly with reference to the growth or otherwise of the traffic and other developments in the area."

18.As per Rule 21(1) of the Rules and Scheme, the holding capacity of the street vendors of any particular area or locality shall be limited to 2.5% of the population of the particular ward or vending zone, as the case may be. The scheme was framed in the year 2015. The Street Vendors Act came into force on 05.03.2014. The Vending Committee has been constituted as



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per Section 22 of the Act and a survey was conducted in the year 2017 in almost all the regions and corporation of the State. The Director of Municipal Administration, in his report dated 08.09.2023, has submitted that 67,473 street vendors have been identified all over Tamil Nadu and 61,625 ID Cards have been issued to the eligible street vendors. A survey was conducted at the Ramanathapuram Municipality, as per the Act, in the year 2016 and a Street Vending Committee was constituted on 19.12.2016. This Vending Committee has also identified 352 street vendors and another survey was conducted in the year 2022, wherein, 329 street vendors have been identified and the Ramanathapuram Municipality has also issued 329 ID cards.

19.The scheme itself prescribes the vending fee which could be collected from the street vendors and the same is extracted as under:-

“9. Vending Fees:- (1) The vending fees for various categories of vendors shall be as mentioned in the table below:-

THE TABLE



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S.No.	Category of Street Vendors	Area	Vending fee
(1)	(2)	(3)	(4)
1	Stationary vendor (Full time)	Upto 10 sq.ft.	1% of the Guideline value, subject to minimum of Rs. 750/- per annum
		From 10 to 25 sq.ft.	2% of the Guideline value subject to a minimum of Rs. 1500/- per annum
		More than 25 sq.ft.	3% of the Guideline value subject to a minimum of Rs 3000/- per annum.
2	Stationary Vendor (Part Time or time sharing)	Upto 10 sq.ft.	0.5% of the Guideline values subject to a minimum of Rs 375/- per annum
		From 10 to 25 sq.ft.	1.0% of the Guideline value subject to a minimum of Rs 750/- per annum
		More than 25 sq.ft.	1.5% of the Guideline value subject to a minimum of Rs 1500/- per annum.
3	Mobile vendor(with motor vehicle)	Upto 10 sq.ft.	Rs.750/- per annum
		From 10 to 25 sq.ft.	Rs.1500/- per annum
		More than 25 sq.ft.	Rs.3000/- per annum



4	Mobile vendor (vehicle without motor)	Upto 10 sq.ft.	Rs.375/- per annum
		From 10 to 25 sq.ft.	Rs.750/- per annum
		More than 25 sq.ft.	Rs.1500/- per annum
5	Mobile vendor (headloads)		Rs.250/- per annum

(2) The vending fee shall be revised at least once in three years and shall be published in the notice board of the concerned local authority"

20.From the Detailed Implementation Plan (DIP) provided, it appears that the following places were identified as vending zones in Ramanathapuram Municipality, viz., Aranmanai Street, Salai Street, Sannathi Street, Santhai Pettai Road, Chinnakadai Road. However, without even prescribing the vending zones and the fee to be collected, the tender notification was issued by the Ramanathapuram Municipality.

21.The successful bidder, Mayil Vahanam, during the course of arguments, submitted that he has spent nearly Rs.1.25 Crore and in view of



the interim order passed by this Court, he is not in a position to collect any money from the street vendors. In this regard, he has also filed an additional affidavit dated 01.09.2023, wherein, he has averred as follows:-

"5.I submit that I have specifically submitted to this Honourable Court that I have paid a sum of Rs.30,00,000/- as Safety Deposit and also paid a sum of Rs.57,14,408/- as bid amount, as I was the successful bidder. Subsequently, I have paid a sum of Rs.34,78,536/- as balance amount to the Ramanathapuram Municipality. Hence, the total amount paid by me to the Ramanathapuram Municipality comes to Rs. 1,21,92,944/- (One Crore Twenty One Lakh Ninety Two Thousand Nine Hundred and Forty Four only), as follows:-

<i>A) Safety Deposit</i>	<i>– Rs.30,00,000/-</i>
<i>B) Bid Amount</i>	<i>– Rs.57,14,408/-</i>
<i>C) Balance Amount</i>	<i>– Rs.34,78,536/-</i>
<i>Totally Paid</i>	<i>– Rs.1,21,92,944/-</i>

6.I submit that after successful bidder in the Tender, I received the order on 19.04.2023 and started to collect fee from the Road Side Vendors from 20.04.2023 onwards within the area of Ramanathapuram Municipality. Through out the Municipality area as a single person, I cannot individually collect fee from the Road Side Vendors. Hence I have appointed 3 to 4 persons for collecting fee from the Road Side Vendors. Daily, I paid Rs.500/- as their salary. Hence, I have to pay



salary of Rs.2000/- per day to four persons who collect fee from Road Side Vendors.

7.I submit that as per oral instruction, the fee collected upto 10 Sq.ft area street vendors is Rs.15/- only and every additional 1 Sq.ft, additional Rs.2/- is collected per additional Sq.ft. The fee for tri-wheel cart vendors is Rs.20/- only and for four wheeler vehicle like TATA ACE is Rs.30/- only. By the interim order of this Court, I am not able to collect fee from the Road Side Vendors."

22.As per the survey conducted in the year 2016, there were 352 street vendors in Ramanathapuram Municipality. As per the survey conducted in the year 2022, it was only 329 street vendors. As per the scheme, the licensees were expected to collect Rs.750/- from a stationary vendor if he uses up to 10 sq.ft and Rs.3000/- per annum if he uses more than 25 sq.ft. Assuming all the street vendors of Ramanathapuram Municipality are occupying more than 25 sq.ft area, then the rent eligible to be collected from all these 329 street vendors per year is Rs.9,87,000/-. For the collection of this amount, which is less than Rs.10 Lakh, it is not known as to how the successful bidder, Mayil Vahanam, has invested more than



Rs.1.25 Crore. In fact, the successful bidder has also claimed that he has engaged 3 to 4 persons to collecting this rent and is incurring Rs.2,000/- as salary towards his employees. It is not known as to how this is logically feasible and how the system will work. The successful bidder is not a service provider, he has invested this huge amount not for doing some social service, but has invested this amount as a business. Even calculating a bank interest at the rate of 6%, he would get not less than Rs.7,50,000/- per annum, as interest alone, for this Rs.1.25 Crore. He has to make out this amount, apart from the expenditures incurred for his staff to an extent of Rs.60,000/- per month. In order to achieve these, ultimately, he has to exploit the street vendors, squeeze them and extract more money from the street vendors or he has to permit the street vendors of his choice by receiving considerations rather than the persons who have been identified as street vendors or he has to permit street vendors in the zones which were declared as non-vending zones also. This would be the ground reality and this is how the schemes are working. Ultimately, the very object for which the scheme was framed by the Government for the welfare as well as regularizing the street vendors is defeated.



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23. The Municipality may have a concern to augment the revenue by inviting tenders. But these type of tenders would ultimately defeat the object of the scheme and it would amount to granting a license to the successful bidder to harass and squeeze these street vendors. The Government has to realize that in today's advancements, the private companies like Reliance, etc., are successfully conducting grocery shops, petroleum outlets, etc., all over India, with a centralized monitoring mechanism at a far away place. As per the Act and Schemes, the rent should be collected from the street vendors on yearly basis. There are 329 street vendors in this Ramanathapuram Municipality. For collecting this annual rent, even on instalments, whether it requires a licensee / lessee? If the Government is really having any intention to do something to these street vendors, let them collect this rent on their own instead of granting license to X or Y to collect these amounts. Let there be a proper mechanism to ensure that the street vendors are benefitted under the scheme without any hindrance to the common man.



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24. With the above observations and by recording the stand taken by the Director of Municipal Administration that instructions have been issued to the Commissioner of Ramanathapuram Municipality to cancel the tender and to fix the vending fees and to collect the fees from the vendors to whom certificate of vending is issued, these writ petitions are disposed of. While placing appreciation to the Director of Municipal Administration, this Court also condemns the Commissioner of Ramanathapuram Municipality for the irresponsible attitude for conducting this auction without prescribing the vending zone, the vending fee, vendors' license and permitting the successful bidder to collect the fees, without even obtaining the entire auction amount.

There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Internet : Yes
Index : Yes / No
NCC : Yes / No
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To

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- 4.The Commissioner,
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22.12.2023