



W.P.(MD)Nos.18799, 16972 & 16973 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.10.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)Nos.18799, 16972 & 16973 of 2020

and

W.M.P.(MD).Nos.15733, 14192 and 14195 of 2020

W.P.(MD)No.18799 of 2020

V.Selvaganesan

... Petitioner

Vs.

- 1.The District Collector
Tenkasi District, Tenkasi.
- 2 .The Director of Municipal Administration,
O/o. The Director of Municipal Administration,
Chepauk, Chennai.
- 3.The Commissioner,
O/o. The Commissioner,
Sankarankovil Municipality,
Alagar Kovil Main Road, Madurai.
- 4.The Zonal Director,
Municipal Administration,
Manakavalam Pillai Nagar,
Palayamkottai, Tirunelveli District.



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5. The Superintendent of Police
O/o. The Superintendent of Police,
Tenkasi, Tenkasi District.

6. The Inspector of Police,
O/o. Inspector of Police,
Sankarankovil Town Police Station,
Sankarankovil, Tenkasi District.

7.P.Murugan

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent No.1 to conduct enquiry upon the complaint lodged by the petitioner dated 02.12.2020 against the respondent No.7 with regard to the excess collection of the vending fees as prescribed under the Tamil Nadu Street Vendors (Protection of Livelihood Regulation of Street vending and Licensing) Scheme, 2015.

For Petitioner	: Mr.S.Rajasekar
For R-1, R-2 & R-4	: Ms.D.Farjana Ghoushia, Special Government Pleader
For R-3	: Mr.P.Mahendran, Standing Counsel
For R-5 & R-6	: Mr.R.Sivakumar, Government Advocate (Criminal Side)
For R-7	: Mr.B.Arun



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V.Selvaganesan

... Petitioner

Vs.

1.The District Collector
Tenkasi District.

2 .The Regional Director of Municipal Administration,
Tiruenelveli Region, Tirunelveli.

3.The Commissioner,
Sankarankovil Municipality,
Sankarankovil,
Tenkasi District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the impugned short time auction and tender notification in Na.Ka.No.2157/2020/B2 dated 04.11.2020 of the 3rd respondent and quash the same and consequently direct the respondents herein to comply with provisions of the the street vendors (Protection of Livelihood under Regulation of Street Vending) Act, 2014 and its Tamil Nadu Street Vendors (Protection of Livelihood under Regulation of Street Vending) Rules and Schemes, 2015 before granting license to collection of fee from the street vendors in the 3rd respondent's Municipality limit.

For Petitioner

: Mr.K.Vamanan

For R-1 & R-2

: Ms.D.Farjana Ghoushia,
Additional Government Pleader



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For R-3

: Mr.P.Mahendran,
Standing Counsel

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A.Sermaraj

... Petitioner

Vs.

1.The District Collector
Tenkasi District.

2 .The Regional Director of Municipal Administration,
Tiruenelveli Region, Tirunelveli.

3.The Commissioner,
Sankarankovil Municipality,
Sankarankovil,
Tenkasi District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the impugned short time auction and tender notification in Na.Ka.No.2157/2020/B2 dated 04.11.2020 of the 3rd respondent and quash the same and consequently direct the respondents herein to comply with provisions of the the street vendors (Protection of Livelihood under Regulation of Street Vending) Act 2014 and its Tamil Nadu Street Vendors (Protection of Livelihood under Regulation of Street Vending) Rules and Schemes, 2015, before granting license to collection of fee from the street vendors in the 3rd respondent's Municipality limit.



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For Petitioner : Mr.K.Vamanan

For R-1 & R-2 : Ms.D.Farjana Ghoushia,
Additional Government Pleader

For R-3 : Mr.P.Mahendran,
Standing Counsel

COMMON ORDER

These writ petitions have been filed challenging the tender notification issued by the third respondent through the proceedings dated 04.11.2020 and for a consequential direction to comply with the provisions of the Tamil Nadu Street Vendors (Protection of Livelihood under Regulation of Street Vending) Rules and Scheme, 2015, thereunder before granting any licence for collection of fee from the street vendors within the limits of the third respondent Municipality.

2. Heard the learned counsel on either side.

3. One of the petitioners has also sought for taking action against one of the licensees, who was collecting excess fees from the street vendors. When these Writ Petitions were taken up for hearing, it is brought to the notice of this Court that the period for which license was



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given has already come to an end. In view of the same, it is not necessary for this Court to go into the legality of the tender notification issued by the Sankarankovil Municipality at this stage.

4. However, a genuine grievance that has been raised by the learned counsel appearing for the petitioners requires the consideration of this Court. It was submitted that before the Municipality takes a decision to issue license in favour of any person to collect the fees from the street vendors, it must be ensured that the provision of the Tamil Nadu Street Vendors (Protection of Livelihood under Regulation of Street Vending) Act and the Rules and Scheme, 2015, thereunder are followed by fixing the vending fees and thereafter, the auction is called for. To substantiate this submission, learned counsel for the petitioners brought to the notice of this Court G.O.(MS).No.159, Municipal Administration and Water Supply (MA.IV) Department, dated 02.11.2015, wherein, the scheme has been brought into force called as the Tamil Nadu Street Vendors (Protection of Livelihood, Regulation of Street Vending and Licensing) Scheme, 2015. Under this Scheme, it provides for the Survey of Street Vendors, Certificate of Vending, Terms and Conditions for issue of Certificate of



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Vending, Classification of Vendors and also the vending fees that is to be collected from the various categories of street vendors. It is brought to the notice of this Court that if at all a licensee is permitted to collect the fees from the street vendors, it can only be in line with the Scheme and fees that is collected from the street vendors cannot be an excess of what has to be fixed under the Tamil Nadu Street Vendors (Protection of Livelihood, Regulation of Street Vending and Licensing) Scheme, 2015. The general grievance is that exorbitant fees is being collected by the persons, who are given license and as a result, all the street vendors are being put to irreparable loss.

5. The learned Special Government Pleader appearing on behalf of the Director of Municipal Administration submitted that the process of finalizing the Town Vendor Committee is underway and steps will be taken to regularize the street vendors in line with the Tamil Nadu Street Vendors (Protection of Livelihood, Regulation of Street Vending and Licensing) Scheme, 2015.



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6. The learned Standing Counsel appearing for the Municipality submitted that the fees is collected only in line with the vending fees that has been fixed under the Scheme. If the process of finalizing the street vendors and issuance of Certificate is in progress, the appointment of any licensee to collect the fees from the street vendors must be kept in abeyance for the present. It must be directly collected from the street vendors to ensure that excess fees is not taken from the street vendors, who are dependant for their livelihood the income earned by them as a street vendor. As and when the vending fees is finalized by the Committee and the same is fixed for the various categories of street vendors, the third respondent Municipality, viz., Sankarankovil Municipality, will be entitled to call for tenders to appoint a licensee for collection of the vending fee. Even while undertaking this exercise, the Municipality shall ensure that the fee collected by the licensee is in line with the vending fee that is fixed under the Scheme and no excess fee is collected from the vendors. If there is any complaint regarding the collection of excess fees, steps shall be immediately taken by the Municipality to cancel the license. A licensee should never be allowed to



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make a profit by squeezing the street vendors and by collecting excess fees than the vending fees that is entitled to be collected under the Scheme.

7. These writ petitions are disposed of with the above directions. No costs. Consequently, connected miscellaneous petitions are closed.

09.10.2023

NCC:yes/no

Index:yes/no

Internet:yes/no

tsg

To

1.The District Collector, Tenkasi District, Tenkasi.

2 .The Director of Municipal Administration,
O/o. The Director of Municipal Administration,
Chepauk, Chennai.

3.The Zonal Director, Municipal Administration,
Manakavalam Pillai Nagar,
Palayamkottai, Tirunelveli District.

4.The Superintendent of Police
O/o. The Superintendent of Police,
Tenkasi, Tenkasi District.

5.The Inspector of Police,
O/o. Inspector of Police,
Sankarankovil Town Police Station,
Sankarankovil, Tenkasi District.



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N.ANAND VENKATESH, J.

tsg

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