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W.P.No.2013 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.08.2024

CORAM :

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

W.P.No.2013 of 2024

G.Velu .. Petitioner

Vs.

1. The Executive Engineer
(Zone - X), Greater Chennai Corporation
No.117, NSK Salai
Kodambakkam, Chennai - 600 024. .. Respondent

Prayer: Petition filed under Article 226 of the Constitution of India, seeking for a writ of certiorarified mandamus, calling for the records relating to the proceedings of the respondent in Z.O.X./C.No. Nil of 2023 dated 20.09.2023 and quash the same and forbear the respondent not to disturb the petitioner's bunk shop near Ramakrishna Mission Higher Secondary School (Main) Playground, L.M. Backside, No.21-A, Rajamannar Street, T.Nagar, Chennai 600 017, till the Township Vending committee decides the issue of granting certificate of vending.

For the Petitioner : Mr.R.Kamaraj

For the Respondent : Mr.A.S.Ragul Adhithya for
Ms.P.T.Ramadevi
Standing Counsel



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ORDER

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(Order of the Court was made by R.SURESH KUMAR, J.)

It is the case of the petitioner that the petitioner is running a bunk shop and to obtain permission and license from the authorities concerned under the provisions of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 [for brevity, hereinafter referred to as "the Act of 2014"], a representation has been given to the respondent on 21.09.2022.

2. In order to consider the said representation, a writ petition in W.P.No.1473 of 2023 was filed and the same was disposed of by this Court vide order dated 24.01.2023, directing the petitioner to give a fresh representation to the newly formed Vending Committee and ordered the respondent therein to consider the said representation within a period of two months from the date of such representation.

3. That being so, the respondent herein issued the impugned communication dated 20.09.2023, not allowing the petitioner to erect or run a bunk shop, as the Greater Chennai Corporation is not authorized to provide any license for the shops in the platforms/pavements, which are considered as encroachments.



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4. Heard *Mr.R.Kamaraj*, learned counsel for the petitioner and *Ms.P.T.Ramadevi*, learned Standing Counsel for the respondent.

5.1. It is brought to our notice by the learned Standing Counsel that under the Act of 2014, the Town Vending Committee has been reconstituted by the Government Order in G.O (4D) No.29, Municipal Administration & Water Supply (MC.2) Department, dated 07.08.2023, consisting of fifteen members, chaired by the Commissioner of Greater Chennai Corporation.

5.2. Before the said Committee, an application shall be given in the format prescribed under Clause 4(2) of the Tamil Nadu Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme and Rules, 2015, and in that format, if any application is filed, the Town Vending Committee, already constituted, would take care of it and a final decision would be taken.

6. Learned counsel appearing for the petitioner would submit that the petitioner would make an appropriate application to the Town Vending Committee in the prescribed format within a period



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of two weeks. Therefore, he seeks indulgence of this Court to give directions to the Town Vending Committee to decide the same on merits and in accordance with law.

7. Having regard to the aforesaid facts and circumstances and taking note of the submissions made by the respective learned counsel, this Court is inclined to pass the following orders:

(i) It is open to the petitioner to make an application in the prescribed format to the Town Vending Committee within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the Town Vending Committee shall consider it and decide on its own merits and in accordance with law;

(ii) In this regard, necessary inputs, if any, to be given to the Town Vending Committee by the respondent Corporation shall also be immediately given without any delay. After considering the merits of the claim, to be made by the writ petitioner, a final decision can be taken.

(iii) It is needless to mention that depending upon the final decision to be taken, the fate of the shop/bunk of the petitioner, whether to be continued in the present location or in any other location or not would be decided; and



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(iv) It is made clear that the final decision shall be taken by the Town Vending Committee within a period of three months from the date of receipt of the application. Till such time, if any shop/bunk has already been possessed by the petitioner, the same can be verified, if so, that shall not be disturbed.

8. With these directions and observations, this writ petition stands disposed of. There shall be no order as to costs. Consequently, W.M.P.No.2142 of 2024 is closed.

(R.S.K., J.) (A.D.J.C., J)
08.08.2024

Neutral Citation:Yes/No

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To:

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(Zone – X), Greater Chennai Corporation
No.117, NSK Salai
Kodambakkam, Chennai – 600 024.



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R. SURESH KUMAR, J.
AND
A.D.JAGADISH CHANDIRA, J.
(drm)

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