



WEB COPY



W.P.No.2105 of 2020

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.2105 of 2020

Marina Kannagi Silai Sirukadai Viyabarigal Sangam,
Represented by its President Mr.Devanathan,
No.24/49, Palaniamman Kovil North 6th Street,
Triplicane,
Chennai - 600 005.

... Petitioner

-Vs-

1. The Principal Secretary to Government,
Secretariat,
Home Department,
Chennai - 600 009.

2. The Commissioner,
Greater Chennai Corporation,
Chennai - 600 003.

... Respondents

PRAYER : Petition under Article 226 of the Constitution of India, praying for issuance of writ of mandamus, directing the second respondent to consider the representation dated 20.09.2019 and further directing the second respondent to enforce a scheme to regulate the hawkers in Marina Beach by following the methods stipulated under the provision of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014.



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For Petitioner : Mr.M.Madhu Prakash
For Respondents : Mr.P.Balathandayutham
Special Government Pleader for R1
Mr.A.S.Rahul Aditya
for Ms.P.T.Ramadevi
Standing Counsel for R2

ORDER

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

This writ petition has been filed by the association called 'Marina Kannagi Silai Sirukadai Viyabarigal Sangam' seeking a mandamus directing the second respondent to consider the representation dated 20.09.2019 and to enforce a scheme to regulate the hawkers in Marina Beach by following the methods stipulated under the provision of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014.

2. Heard Mr.Madhu Prakash, learned counsel appearing for the petitioner, Mr.P.Balathandayutham, learned Special Government Pleader appearing for the first respondent and Mr.A.S.Ragul Aditya, learned counsel appearing for the second respondent.



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3. Insofar as regulating the hawkers under the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 is concerned, the Town Vending Committee has already been constituted vide G.O(4D)No.29, Municipal Administration and Water Supply (MC.2) Department, dated 07.08.2023, moreover, the location that is called 'Marina Beach' is concerned, the Metro Rail work is going on, therefore, no such hawkers can be permitted to carry on business even under the provisions of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, hence in any Vending Zone which has been declared as a Vending Zone by the committee, these kind of applicants' case would be considered, the learned counsel for the respondent Corporation would submit.

4. Having regard to the said submission made by the learned counsel appearing for both sides, especially, the stand taken by the learned counsel for the respondent Corporation, this Court is inclined to dispose of the writ petition with the following directions:

(i) that it is open to the individual members of the petitioner association to make an application in a prescribed format to the Town Vending Committee seeking such



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permission or licence to be granted, for consideration of the Town Vending Committee in any Vending Zone declared so by the Town Vending Committee other than the present place, where it may not be feasible as of now to make such a declaration and to give such a licence, within a period of two weeks from the date of receipt of a copy of this order.

(ii) If any such application is made, that shall be considered by the Town Vending Committee in accordance with law and a decision to be taken on merits within a period of two months thereafter.

5. With these directions and observations, this Writ Petition is disposed of. However, there shall be no order as to costs.

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

NCC : Yes / No
Index : Yes / No
Speaking Order : Yes / No

vji



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- To
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**R.SURESH KUMAR, J.
and
A.D.JAGADISH CHANDIRA, J.**

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