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W.P.No.3172 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.3172 of 2024

Porur – Poonamallee Mount Road
Meen Kadai Siru Viyabarigal Nala Sangam
Rep. By its President K. Anjali
Having Reg. Office at No.40-B Velayutham 2nd Street
Iyyapanthangal
Chennai – 600 056. .. Petitioner

Vs.

1. The Commissioner
Corporation of Chennai, Rippon Building
Chennai – 600 003.
2. The Commissioner of Police
Greater Chennai Police
No.132, Commissioner Office Building
E.V.K. Sampath Road, Vepery, Chennai – 600 007.
3. The Zonal Officer, Zone 11
Greater Chennai Corporation
No.105, Basin Bridge Road, Royapuram
Chennai – 600 079.
4. The Inspector of Police
R9 Police Station, Seenirkuppam Road
Devikarumaian Nagar
Valasaravakkam, Chennai – 600 087.
5. The Town Vending Committee
Rep. By its Chairperson
Greater Chennai Corporation
Rippon Building, Chennai – 600 003. .. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, directing the fifth respondent to consider the applications of the Members of the petitioner Association and issue vendor identity cards and certificate of vending to members of the petitioner Association whose names are mentioned in Annexure to the affidavit under the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 and pending such consideration direct respondents 1 to 4 not to interfere or disturb in any manner the vending activities of the Members of the petitioner Association whose names are mentioned in the Annexure to the affidavit in the Poonamallee – Mount High Road opposite to Retteri.

For the Petitioner : Mr.D.Nagasila

For the Respondents : Mr.A.S.Ragul Aditya for
Ms.P.T.Ramadevi
Standing Counsel
for R1 to R3 and R5

Mr.P.Balathandayutham
Special Government Pleader
for R4

ORDER

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

The Members of the petitioner Association have made applications in the prescribed format to the Town Vending Committee, which has been constituted under the Government



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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.

2. Applications have been made by the Members of the petitioner Association before the said Authority in the prescribed format and since the same has not been considered so far, the Members of the petitioner Association, through the Association, have moved the present writ petition with the aforesaid prayer.

3. Heard *Mr.D.Nagasila*, learned counsel for the petitioner and *Mr.A.S.Ragul Aditya*, learned counsel appearing on behalf of *Ms.P.T.Ramadevi*, learned Standing Counsel for the respondents 1 to 3 and 5 and *Mr.P.Balathandayutham*, learned Special Government Pleader for respondent 4.

4. Learned counsel appearing for the respective respondents submit that if the applications are made in the prescribed format to the Town Vending Committee, the Committee would take care of the said applications and decide the same, on its own merits and in accordance with law, within the time frame, that may be stipulated



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by this Court.

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5. It has been brought to our notice that though this writ petition has been filed by the Association, all of its Members have given applications in the prescribed format to the Town Vending Committee. Though copies of such applications, made in the prescribed format, have been annexed in the typed-set of papers filed along with this writ petition, at this juncture, we feel that along with the copy of this order, if the photocopies of the said applications, already submitted by the Members of the petitioner Association, is forwarded individually, the same can be treated as a format applications made by the individual Members of the petitioner Association to the Town Vending Committee and accordingly, the same can be considered and decided on merits and in accordance with law.

6. Considering the limited scope of the prayer sought in these writ petitions and having regard to the aforesaid stand taken by the respondent Corporation through the learned Standing Counsel for the Corporation, this Court is inclined to dispose of these writ petitions with the following orders:

(i) There shall be a direction to the Town Vending



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Committee to decide the applications filed by the Members of the petitioner Association in the prescribed format and decide the same, on its own merits and in accordance with law, within a period of three months from the date of receipt of a copy of the order;

(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 shops/bunks of the Members of the petitioner Association, whether to be continued in the present location or in any other location or not would be decided; and

(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 a copy of the order. Till such time, if any shops/bunk already been possessed by the Members of the petitioner Association, the same can be verified, if so, that shall not be disturbed.



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7. This writ petition, accordingly, stands disposed of. There shall be no order as to costs. Consequently, W.M.P.No.3437 of 2024 is closed.

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

Neutral Citation:Yes/No

drm



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To:

1. The Commissioner
Corporation of Chennai, Rippon Building
Chennai – 600 003.
2. The Zonal Officer (Zone No.9)
Corporation of Chennai
Nungambakkam
Chennai – 600 034.



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

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