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W.P.No.14047 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.14047 of 2024

1. M.Kodhai
2. E.Kothai .. Petitioners

Vs.

1. The Commissioner
Greater Chennai Corporation
Rippon Buildings, Chennai – 600 003.
2. The Chairman and Executive Engineer
Town Vending Committee – Zone 9 Lake Area
Chennai – 600 034. .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, directing the respondents to permit the petitioners to carry on the vending business (fish fry and spring potato) in moving cart at the sea shore side of the loop road till the completion of the Metro rail work at Marina Beach in view of the petitioner's representation dated 16.03.2024.

For the Petitioners : Mr.S.Arivazhagan

For the Respondents : Mr.E.C.Ramesh
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 petitioners that the petitioners are running a vending business (fish fry and spring potato) in moving cart at the seashore side of the loop road 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 respondents on 16.03.2024. In order to consider the said representation, the present writ petition has been filed.

2. Heard *Mr.S.Arivazhagan*, learned counsel for the petitioners and *Mr.E.C.Ramesh*, learned Standing Counsel for the respondents.

3.1. 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.



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3.2. 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.

3.3. Further, the representation has been simply made to the first respondent and since the first respondent does not have the jurisdiction to independently decide the representation, it is for the petitioner to make an appropriate application in the prescribed format to the Town Vending Committee and if any such application is made, that would be taken care of by the Committee, he contended.

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



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5. 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 petitioners 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

(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



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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.

6. With these directions and observations, this writ petition stands disposed of. There shall be no order as to costs. Consequently, W.M.P.No.15226 of 2024, petition filed to permit the petitioners to file a single writ petition stands allowed, inasmuch as the petitioners have paid separate set of Court fees.

(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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Greater Chennai Corporation
Rippon Buildings, Chennai – 600 003.
2. The Chairman and Executive Engineer
Town Vending Committee – Zone 9 Lake Area
Chennai – 600 034.



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R. SURESH KUMAR, J.
AND
A.D.JAGADISH CHANDIRA, J.
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