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W.P.No.22001 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

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T.Nagar Kizhakku Pakkam Usman Road
Street Vendors Association
Rep. By Secretary, J.Abdul Azees
Regd. Office : 16/4, New Street
West Mambalam, Chennai - 600 033
Residing at Hyder Ali Garden, 2nd Street
Perambur, Perambur Barracks
Chennai - 600 012.

.. Petitioner

Vs.

1. The Additional Chief Secretary
Municipal Administration
Government of Tamil Nadu
Secretariat St. George Fort
Chennai - 600 009.
2. The Commissioner
Greater Chennai Municipal Corporation
Ribbon Building, Chennai - 600 003.
3. Chairperson
Town Vending Committee
Greater Chennai Municipal Corporation
Ribbon Building, Chennai - 600 003.
4. The Assistant Executive Engineer
Division 30, Zone X, Chennai Corporation
T. Nagar, Chennai - 600 017.



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5. The Commissioner of Police
Greater Chennai City, Veppery
Chennai – 600 007.

6. The Inspector of Police (L&O)
R-1, Mambalam Police Station
Chennai – 600 017.

7. The Inspector of Police (Traffic)
R-4, Pondy Bazar Police Station
Chennai – 600 017.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, directing the 2 to 4 respondents to allot alternative place/shop in the locality to do street vending business of the members of the petitioner's street vendors association and forbear the respondents, their officers, subordinates, or any other person acting under them from any manner interfering the fundamental rights of the petitioner.

For the Petitioner : Mr.E.Dharmaraj

For the Respondents : Dr.T.Seenivasan
Special Government Pleader
for R1

Mr.D.B.R.Prabhu
for R2 to R5

Mr.P.Balathandayutham
Special Government Pleader
for R6 and R7

ORDER

(Order of the Court was made by R.SURESH KUMAR, J.)
This writ petition has been filed by an Association called The

T.Nagar Kizhakku Pakkam Usman Road Street Vendors Association.



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2. It is claimed that the Members of this Association are street vendors and on their behalf, the Association seeks a writ of mandamus to consider the representation/application dated 12.07.2024 submitted by them.

3. Heard *Mr.E.Dharmaraj*, learned counsel for the petitioner, *Dr.T.Seenivasan*, learned Special Government Pleader for respondent 1, *Mr.D.B.R.Prabhu*, learned counsel for respondents 2 to 5 and *Mr.P.Balathandayutham*, learned Special Government Pleader for respondents 6 and 7.

4. Since under the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 [for brevity, hereinafter referred to as "the Act of 2014"], certain rights are to be verified and conferred only on street vendors to regulate their occupancy of business, a Town Vending Committee has already been constituted at the Corporation level vide the Government Order in G.O (4D) No.29, Municipal Administration & Water Supply (MC.2) Department, dated 07.08.2023, headed by the Commissioner of the Greater Chennai Corporation ,consisting of fifteen members, before whom whoever seeks to file an application seeking license under the provisions of the Act of 2014, can make



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an application in the prescribed format. But here, joint representation has been given by the petitioner Association dated 12.07.2024, which is prayed for direction to consider the same by way of a mandamus.

5. However, the learned Standing Counsel appearing for the respondent Corporation would submit that only individual applications, filed in the prescribed format, would be considered by the Town Vending Committee and not the joint representation filed like the present one by the petitioner Association under the said Act.

6. Learned counsel appearing for the petitioner would submit that the Members of the petitioner Association would be instructed properly to make individual applications in the prescribed format to the Town Vending Committee in due course. If such applications are filed by the Members of the petitioner Association, that can be considered by the Town Vending Committee.

7. Having regard to the aforesaid stand taken by the learned counsel appearing for the petitioner Association, this Court is inclined to dispose of this writ petition with the following orders:



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(i) It is open to the Members of the petitioner Association to submit individual applications in the prescribed format to the Town Vending Committee, seeking such license under the provisions of the Act of 2014; and

(ii) If any such individual applications are filed by the Members of the petitioner Association, it is open to the Town Vending Committee to consider the same and decide on merits and in accordance with law as early as possible, preferably within a period of three months from the date of receipt of such applications, made in the prescribed format.

8. With these observations and directions, this writ petition stands disposed of. There shall be no order as to costs. Consequently, W.M.P.No.23975 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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