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W.P.Nos.26540, 26661 and 26664 of 2019

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.Nos.26540, 26661 and 26664 of 2019

Sudheesh	...	Petitioner in W.P.No.26540 of 2019
Gopi	...	Petitioner in W.P.No.26661 of 2019
Sumathi	...	Petitioner in W.P.No.26664 of 2019

-Vs-

1. The Commissioner,
Corporation of Chennai,
Ribbon Buildings,
Chennai - 600 003.
2. The Chairperson / Zonal Executive
Engineer Zone No.10,
(The Township Vending Committee),
Corporation of Chennai,
Chennai - 600 024.
3. The Secretary,
Government of Tamil Nadu,
Department of Municipal Administration and
Water Supply.

... Respondents
in all W.Ps

(R3 *suo motu* impleaded vide order dated 28.09.2022
made in W.P.Nos.26540, 26661 and 26664 of 2019 by
RSMJ and KBJ)



W.P.Nos.26540, 26661 and 26664 of 2019

PRAYER in W.P.No.26540 of 2019 : Petition under Article 226 of the Constitution of India, praying for issuance of writ of mandamus, forbearing the respondents from interfering with the running of the petitioner's bunk shop at No.45, Pasulla Road, Opposite to VPM Enclave, T.Nagar, Chennai - 600 017, wherein selling Tea, Coffee, Snacks and other food items therein till the petitioner's representation dated 02.08.2019 is considered and decided as per the provisions of the Street Vendors (Protection of Livelihood Regulation) Act, 2014 by the respondents.

PRAYER in W.P.No.26661 of 2019 : Petition under Article 226 of the Constitution of India, praying for issuance of writ of mandamus, forbearing the respondents from interfering with the running of the petitioner's bunk shop at No.825, TNEB, Opposite to Sangam Hotel, Annasalai, Chennai - 600 002, wherein selling pooja goods for Durga till the petitioner's representation dated 15.07.2019 is considered and decided as per the provisions of the Street Vendors (Protection of Livelihood Regulation) Act, 2014 by the respondents.

PRAYER in W.P.No.26664 of 2019 : Petition under Article 226 of the Constitution of India, praying for issuance of writ of mandamus, forbearing the respondents from interfering with the running of the petitioner's bunk shop at No.825, TNEB, Opposite to Burhari Hotel, Annasalai, Chennai - 600 002, wherein selling tea, coffee and snacks and other food items therein till the petitioner's representation dated 12.07.2019 is considered and decided as per the provisions of the Street Vendors (Protection of Livelihood Regulation) Act, 2014 by the respondents.

For Petitioners



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in all W.Ps : Mr.L.Chandrakumar

For Respondents
in all W.Ps : Mr.A.S.Rahul Adhithya
for Ms.P.T.Ramadevi
Standing Counsel for R1&R2
Mr.P.Balathandayutham
Special Government Pleader for R3

COMMON ORDER

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

It is the case of the petitioners that, the petitioners are running bunk shops 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”], representations have been given to the first respondent on 02.08.2019, 19.07.2019 and 12.07.2019. In order to consider the said representations, the present writ petitions have been filed.

2. Heard Mr.L.Chandrakumar, learned counsel appearing for the petitioners, Mr.A.S.Rahul Adhithya, learned counsel appearing on behalf of Ms.P.T.Ramadevi, learned Standing Counsel for the respondents 1 and 2 and Mr.P.Balathandayutham, learned Special Government Pleader appearing for the third respondent.

3.1. It is brought to our notice by the learned counsel for the respondents



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1 and 2 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.

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 representations have been simply made only to the first respondent and since the first respondent does not have the jurisdiction to independently decide the representations, it is for the petitioners to make appropriate applications in the prescribed format to the Town Vending Committee and if any such applications are 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 applications 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.

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 appropriate applications 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 petitioners, 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



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petitioners, 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 the applications. Till such time, if any shops/bunks are already possessed by the petitioners, the same can be verified, if so, that shall not be disturbed.

6. With these directions and observations, these Writ Petitions stand disposed of. However, there shall be no order as to costs.

(R.S.K., J.) (A.D.J.C., J.)
08.08.2024
(2/2)

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

vji

To



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