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W.P.Nos.872 & 876 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.Nos.872 & 876 of 2024

K.Ramakrishnan	..	Petitioner in W.P.No.872 of 2024
Shivasankar	..	Petitioner in W.P.No.876 of 2024
Vs.		
1. The Commissioner Corporation of Chennai Ripon Buildings Chennai 600 003.		
2. The Zonal Officer (Zone No.9) Corporation of Chennai Nungambakkam Chennai – 600 034.		
	..	Respondents in both W.Ps

Prayer in W.P.No.872 of 2024: Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, forbearing the respondents from interfering with the running of the petitioner's bunk shop near Sneasthan Apartment, Door No.3/94, Karpagam Avenue, R.A.Puram, Chennai 600 028, wherein selling tea, coffee, snacks and other food items therein, till the new township Vending Committee is formed and decides the petitioner's representation dated 07.09.2023 made for the grant of issuance of Certificate of Vending as per the provision of the Street Vendors (Protection of Livelihood Regulation) Act, 2014; and

Prayer in W.P.No.876 of 2024: Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, forbearing the respondents from interfering with the running of the petitioner's bunk shop at No.1, Masilamani Street, near Professional Courier,



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Singaravel Street (Backside to EB Office), T.Nagar, Chennai – 600 017, wherein selling tea, coffee, snacks and other food items therein, till the new township Vending Committee is formed and decides the petitioner's representation dated 07.09.2023 made for the grant of issuance of Certificate of Vending as per the provision of the Street Vendors (Protection of Livelihood Regulation) Act, 2014.

For the Petitioners
in both W.Ps : Mr.R.Kamaraj

For the Respondents
in both W.Ps : Mr.A.S.Ragul Adhithya for
Ms.P.T.Ramadevi
Standing Counsel

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 respondents on 07.09.2023. In order to consider the said representations, these writ petitions have been filed.

2. Heard *Mr.R.Kamaraj*, learned counsel for the petitioners, *Ms.P.T.Ramadevi*, learned Standing Counsel for the respondents.



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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.

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 to the respondents and since the first respondent does not have the jurisdiction to independently decide the representations, it is for the petitioner 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.



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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 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.



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(iii) It is needless to mention that depending upon the final decision to be taken, the fate of the shops/bunks of the 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 application. Till such time, if any shops/bunks have already been possessed by the petitioners, 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.

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

Neutral Citation:Yes/No

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To:

1. The Commissioner
Corporation of Chennai, Ripon Buildings
Chennai 600 003.



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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.
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