



W.P.No.15093 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2025

CORAM:

THE HONOURABLE Mr. JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE Mr. JUSTICE A.D.JAGADISH CHANDIRA

W.P.No.15093 of 2025
and WMP.No.17005 of 2025

Perambalur Maavatta Sallaiyora Viyabarigal
Matrum Virpanaiyalargal Thozhilalar Sangam,
Registration No.67/PER, (Affiliated to CITU),
Rep. By its General Secretary,
Mr.Rengaraj M/63,
s/o.Balusamy,
Having its office at
Annai Lakshmi Ninaivagam,
3rd road, Thuraimangalam,
Perambalur – 621 220.

...Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep. By its Secretary to Government,
Department of Housing and Urban Development,
Fort, St.George,
Chennai – 600 009.
2. The District Collector,
District Collector Office,
Perambalur District.
3. The Superintendent of Police,
Superintendent Office,
Perambalur District.



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4. The Municipal Commissioner,
Perambalur Municipal Office,
Perambalur.

5. Divisional Monitoring Committee,
Headed by Revenue Divisional Officer,
O/o.Revenue Divisional Officer,
Perambalur District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India for a Writ of Mandamus, to direct the respondents to permit the members of Perambalur Maavatta Sallaiyora Viyabarigal Matrum Virpanaiyalargal Thozhilalar Sangam who are doing their hawking, vending business around the old bus stand, Perambalur District near Gandhi Statute as detailed in the Annexure filed herewith, to carry on hawking in terms of the National Policy on Urban Street Vendors, 2009 as enunciated by the Hon'ble Supreme Court in its decision reported in 2014 (1) SCC P. 490 in accordance with Article 144 of the Constitution of India and as per the provisions of the Street Vendors (Protection of Livelihood and regulation of Street Vending) Act, 2014.

For Petitioner : Mr.R.Thirumoorthy

For Respondents : Mr.P.Kumaresan
Additional Advocate General
assisted by
Mr.P.Anandakannan
Government Advocate R1, R2,
R4 and R5
Mr.S.Rajkumar,
Additional Public Prosecutor
[R3]
Mr.M.Murali,
Government Advocate [R4]



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ORDER

(made by R.SURESH KUMAR, J.)

The prayer sought for herein is for a Writ of Mandamus, to direct the respondents to permit the members of Perambalur Maavatta Sallaiyora Viyabarigal Mattrum Virpanaiyalargal Thozhilalar Sangam who are doing their hawking, vending business around the old bus stand, Perambalur District near Gandhi Statute as detailed in the Annexure to the writ petition, to carry on hawking in terms of the National Policy on Urban Street Vendors, 2009 as enunciated by the Hon'ble Supreme Court in its decision reported in 2014 (1) SCC 490 in accordance with Article 144 of the Constitution of India and as per the provisions of the Street Vendors (Protection of Livelihood and regulation of Street Vending) Act, 2014.

2. This writ petition, in fact, has been filed by an Association called Perambalur Maavatta Sallaiyora Viyabarigal Mattrum Virpanaiyalargal Thozhilalar Sangam, which according to the petitioner counsel is a registered Association affiliated to CITU.



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3. The prayer sought for is omnibus in nature, where the petitioner association sought for a direction from this Court to the respondent local bodies i.e., the Perambalur Municipality to consider the grant of permission to all the members of the petitioner Sangam to have the hawkers business in and around the old bus stand of the Perambalur town.

4. In this context, it is the contention of Mr.R.Thirumoorthy, learned counsel for the petitioner Association that a representation has been given on behalf of the petitioner Association on 24.03.2025, however the same has not been considered.

5. We, in fact, had given notice to the respondents and during the earlier hearing on 29.10.2025, we have passed the following order:

“Pursuant to our last order dated 24.09.2025, Mr.A.Kannan, Municipal Commissioner (FAC), Perambalur Municipality has appeared before us. On his behalf, Mr.P.Kumaresan, learned Additional Advocate General would submit that since he has taken charge as Municipal Commissioner only on 17.10.2025, earlier occasion there was no permanent officer in the Municipality to file counter as directed by this Court.

2. Today, counter affidavit as well as typed set of



documents on behalf of the fourth respondent Municipality have been filed.

3. It is brought to our notice by Mr.P.Kumaresan, learned Additional Advocate General that the Town Vending Committee had a meeting on 09.05.2025, where some decisions have been taken especially in the context of Vending Zone and Non-vending Zone as well as Restricted Vending Zone and such declaration having been made based on the said decision alone, if at all, any hawkers or street vendors seek permission to have street vending, that can be considered and permitted by the Town Vending Committee / Municipality, he contended.

4. Though under the said proceedings dated 09.05.2025, three type of areas have been earmarked viz., Vending Zone, Restricted Vending Zone and Non-vending Zone, still there has been some overlapping between the area it seems. Therefore, in order to have an exact picture pertains to the area where the members of the petitioner Association sought for permission to have the mobile street vending and area in which such permission can be granted and area in which such permission cannot be granted from the point of view of the Municipality as decided by the Town Vending Committee since have to be identified, this Court is inclined to pass the following order:

that there shall be a direction to the fourth respondent Municipality to file a detailed report with sketch as to the exact area which are declared to be



Vending Zone as well as Non-vending Zone and also the Restricted Vending Zone as per the decision of the Town Vending Committee in its meeting dated 09.05.2025 and such report be filed before this Court on or before the next date of hearing.

5. For such compliance, post the matter on 12.11.2025.”

6. Pursuant to our last order as stated supra, today, when the case is taken up for hearing Mr.P.Kumaresan, learned Additional Advocate General appearing for the respondent Municipality has filed an additional typed set of papers, where apart from some photographs, a sketch and map along with Google coordinates has been filed showing the entire stretch of the old bus stand and the nearby locality of the Perambalur municipality, where what are all the streets/roads were declared to be vending zone like that what are all the roads were declared to be as non-vending zone or restricted vending zone, a decision to that effect has been taken by the Town Vending Committee in its meeting held on 09.05.2025, which we have recorded in the earlier order.

7. By relying upon the sketch, the learned Additional Advocate



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General would contend that the area, which has already been declared to be a vending zone, absolutely, there has been no impediment for the respondents to consider any individual application to be made including the members of the petitioner Association to permit them to have a hawkers business subject to the availability of road margin and platform etc. Insofar as the restricted vending zone is concerned, some selected hawkers alone would be permitted and even in that area also, the application should be submitted by the new hawkers including the members of the petitioner concerned. However, insofar as the area which has been declared to be non-vending zone especially in and around the old bus stand and around the statue of Mahatma Gandhi, absolutely, there is no scope for giving any such permission for street vending business because of the congestion already being experienced in that locality to have a free flow of traffic. Therefore, the learned Additional Advocate General would submit that insofar as the said non-vending zone is concerned, the plea to be raised by any of the permission seekers to have a street vending business including the members of the petitioner Association would be turned down and no such permission would be granted in respect of two zones i.e., non vending zone as well as the restricted vending zone as stated supra, such permission would be considered on merit basis, the learned Additional Advocate General



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would contend.

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8. The said submission made by the learned Additional Advocate General is taken on record.

9. We have also perused the map showing street vendors' vending zone and non-vending zone in the Perambalur Municipality as well as some photographs filed in this regard by the respondent Municipality.

10. We have also heard Mr.R.Thirumoorthy, learned counsel appearing for the petitioner. He would submit that apart from the vending zone which has already been declared, even in some areas of the non-vending zone also, such a permission is required for the members of the petitioner association, therefore, to that extent they want to explore their grievance to the respondent Municipality, it may be directed to be considered, he submits.

11. We have considered the said submissions made by the learned counsel appearing for both sides and have perused the materials placed before this Court.



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12. As per the provisions of the Street Vendors Act as well as the Rules made thereunder, the procedure has been exhaustively contemplated about the functioning of the Town Vending Committee and its constitution and the power to declare a particular area as vending zone or otherwise.

13. The said Town Vending Committee after having a meeting on 09.05.2025, has already declared certain areas of the Municipality as a Vending zone and certain areas are restricted vending zone and remaining areas are non-vending zone.

14. This position having been declared by the Town Vending Committee since the same cannot be questioned, unless, it is established before the Court of law that the declaration is a mala fide one and without any materials, no hawkers seeking any such permission can have a right to seek such a permission in the non-vending zone having so been declared. Therefore, insofar as the non-vending zone already been declared by the Town Vending Committee, such a permission cannot be directed to be given, therefore, whatever the grievances to that respect of the petitioner association that cannot be directed to be considered as



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claimed by the learned counsel for the petitioner.

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15. But at the same time, insofar as the vending zone as well as the restricted vending zone, which has already been declared as stated supra, in those areas, certainly, street vendors are entitled to seek such permission from the Town Vending Committee, including the members of the petitioner Association, therefore, the following orders are passed to dispose of this writ petition:

1. That it is open to the individual members of the petitioner Association to make an application in format to the Town Vending Committee of the respondent Municipality to seek for such a permission for having the street vending in the declared vending zone as well as the restricted vending zone.
2. If any such application in format is filed by individual applicants, the same shall be considered by the respondent Municipality through its Vending Committee and such application shall be decided and final orders shall be passed on merits within a period of two months from the date of receipt of every new application to that effect.



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With these directions, this writ petition is disposed of. No costs.

Connected miscellaneous petition is closed.

(R.S.K., J.) (A.D.J.C., J.)
12.11.2025

mp

Index: Yes/No

Neutral Citation: Yes/No

To

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Department of Housing and Urban Development,
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Headed by Revenue Divisional Officer,
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Perambalur District.

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