

S.Sidtharthan vs Ayubkhan

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Court : Chennai

Decided On : Jun-05-2026

Judge : Honourable Mr Justice P.Velmurugan,Honourable Mr Justice B.Pugalendhi

Appeal No. : CONT P(MD)/1851/2019

Appellant : S.Sidtharthan

Respondent : Ayubkhan

Judgement :

2026:MHC:2034 BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT RESERVED ON : 28.11.2025

PRONOUNCED ON : 05.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN AND THE HONOURABLE MR.JUSTICE B.PUGALENDHI Cont.P(MD)No.1851 of 2019 & WP(MD)Nos.16320 of 2019; 2347 of 2020 and WMP(MD)Nos.12976 of 2019; 1996 of 2020; 22223, 22256 of 2025 Cont.P(MD)No.1851 of 2019:- S.Sidtharthan : Petitioner Vs. 1.Ayubkhan, The Commissioner, Kadayanallur Municipality, Kadayanallur, Tirunelveli

District. 2.A.Govindan, The Inspector of Police, Kadayanallur Police Station, Kadayanallur, Tirunelveli. : Respondents

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondents for wilful disobedience and violating the orders of this Court in WP(MD)No.10063 of 2019, dated 17.06.2019. For Petitioner : Mr.A.Haja Mohideen For Respondents : Mr.Veera Kathiravan, Additional Advocate General Assisted by Mr.M.Rajarajan for R.1

Mr.T.Senthilkumar, Additional Public Prosecutor for R.2 ***** WP(MD)No.16320 of 2019:- 1.T.Shanmugavel 2.A.Muthaiah 3.A.Lakshmanan 4.H.Syed Magdoom 5.P.Paramasivan 6.M.Muthukrishnan 7.Muthaiah Chettiyar 8.V.Petchirajan 9.A.Ganapathi 10.S.Mariappan 11.R.Kartheeswaran 12.A.Isakkimuthu 13.A.Brammanayagam 14.S.Ramasamy 15.T.Mahamayee 16.S.Sivasubramanian 17.A.Poomariappan 18.V.Rajendran 19.M.Mohamed Kani 20.K.Govindan 21.C.Selvavinayagam 22.G.Senthilvel 23.J.Mariappan 24.R.Ganesamoorthy 25.S.Subramanian 26.S.Mariappan : Petitioners Vs. 1.The Collector, Tirunelveli. 2.The Superintendent of Police, Tirunelveli. 3.The Regional Director of Municipal Administration, Tirunelveli. 4.The Commissioner, Kadayanallur Municipality, Kadayanallur, Tirunelveli. 5.The Revenue Divisional Officer, Tenkasi. 6.The Tahsildar, Kadayanallur, Tirunelveli District. 7.The Inspector of Police, Kadayanallur Police Station, Tirunelveli District. 8.The Director of Municipal Administration, Chennai. : Respondents [R.8 impleaded vide order dated 14.11.2025] PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the fourth respondent to form vending committee and locate vending zone as per Central Act 7 of 2014 and further restraining the respondents 4, 6 & 7 from dislocating the petitioners, the street vendors from the present vending zone at daily market and Sannathi Street at Kadayanallur, Tirunelveli District. For Petitioners : Mr.R.Murali

For Respondents : Mr.Veera Kathiravan, Additional Advocate General Assisted by Mr.N.Ramesh Arumugam, Government Advocate for RR.1, 3, 5, 6 & 8 and Mr.M.Rajarajan for R.4 Mr.T.Senthilkumar, Additional Public Prosecutor for RR.2, 7 ***** WP(MD)No.2347 of 2020:- M.Muppudathi : Petitioner Vs. 1.The District

Collector, Tenkasi. 2.The Regional Director of Municipal Administration, RDMA Office, Palayamkottai, Tirunelveli District - 627 011.

3.The Commissioner, Kadayanallur Municipality, Kadayanallur. 4.The Superintendent of Police, Tenkasi. 5.The Inspector of Police, Kadayanallur. 6.The Director of Municipal Administration, Chennai. : Respondents [R.6 impleaded vide order dated 14.11.2025] PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the third respondent to form vending committee and locate vending zone as per Central Act 7 of 2014 and further restraining the respondents from dislocating the petitioner, the street vendor (vegetable seller) from the present vending area near daily market, Sannathi Street at Kadayanallur, Tenkasi District. For Petitioner : Mr.R.Murali

For Respondents : Mr.Veera Kathiravan, Additional Advocate General Assisted by Mr.N.Ramesh Arumugam, Government Advocate for RR.1, 2 & 6 and Mr.M.Rajarajan for R.3 Mr.T.Senthilkumar, Additional Public Prosecutor for RR.4, 5 *****

COMMON ORDER

The contempt petition in Cont.P(MD)No.1851 of 2019 has been filed by one Sidtharthan, a resident of Dr.Ambedkar Street, Kadayanallur, Tirunelveli, that he is not able to access his house, due to the encroachment of street vendors and hawkers on the streets and public pathways in and around Muppudathi Amman Temple Street, in Ward No.17 & 18. According to him, it is not his grievance alone. More than 100 families residing in and around Muppudathi Amman Temple Street, Kadayanallur Town, Tirunelveli District, were denied ingress and egress through the streets in the morning hours from 07.00 am to 11.00 am and in the evening hours from 05.00 pm to 07.00 pm. With this averment, this petitioner has approached this Court by filing multiple writ petitions from the year 2017. 2.In his first writ petition in WP(MD)No.1981 of 2017, this Court, by its order dated 06.02.2017, directed the Commissioner, Kadayanallur Municipality, to consider the representation of the petitioner dated 12.10.2015 and to remove the encroachments, if any, in Ward Nos.17 & 18, by following due process of law and

also within a stipulated time. However, the petitioner, with the same grievance that the encroachments are continuing in Ward Nos.17 & 18 of Muppudathi Amman Temple Street, has once again filed another writ petition before this Court in WP(MD)No. 10651 of 2017. The said writ petition was taken up along with five other writ petitions in WP(MD)Nos.3294, 4851, 4852, 10761 of 2015 & 3699 of 2017 which were filed by the street vendors to forbear the Commissioner, Kadayanallur Municipality and the Inspector of Police, Kadayanallur, from removing their shops from Sannathi Street, Kadayanallur, without providing alternative place for carrying out vending. During the hearing of those writ petitions, counter affidavit was filed by the Kadayanallur Municipality that they have already identified the street vendors and they would be issued with a bio-metric card and thereafter, necessary arrangements would be made to identify the vending and non-vending zones. Recording this submission made by the Kadayanallur Municipality, a Division Bench of this Court, by order dated 21.08.2017, disposed all the writ petitions, with a direction to the Commissioner, Kadayanallur Municipality, to complete the process within a stipulated time of four months. The Division Bench, while disposing the writ petitions, had also directed the Municipality authorities to ensure that there shall not be any further encroachments, once the vending zones are properly identified, earmarked and that it should be maintained properly.

3.This contempt petitioner, Sidtharthan, who was a party to the above common order passed by the Division Bench, has filed a contempt application in Cont.P(MD)No.755 of 2018 that the common order of the Division Bench dated 21.08.2017 has not been complied with and there was a willful disobedience by the Municipality. However, the said contempt petition was closed by this Court on 05.03.2019, recording that the order of this Court has been complied with.

4.While such being the position, the contempt petitioner has filed another writ petition before this Court in WP(MD)No.10063 of 2019 with the same grievance that he is not able to access his house, due to the encroachments by street vendors in Ward Nos.17 & 18, in and around Muppudathi Amman Temple Street. During the proceedings, the Inspector of Police, Kadayanallur Police Station has filed a status report dated 17.06.2019 that a joint meeting was conducted by the Police and the Municipal Authorities and a decision has been taken to remove the encroachments. Accordingly, large number of encroachments

have been removed on 23.02.2019, 20 petty cases were booked as against the encroachers and action was taken under the Public Nuisance Act and adequate police protection was deployed to ensure free flow of traffic. The Standing Counsel for the Municipality has also assured, by referring to the status report, that there will not be any re/fresh encroachments in the place, in which the encroachments have been removed. Recording the above submission, this Court closed the writ petition by order dated 17.06.2019. In this context, the present contempt petition has been filed that the encroachments have cropped up once again and that the orders of this Court dated 17.06.2019 was not complied with by the respondents. As a result, it is alleged that there is no free flow of traffic and the ingress and egress to the locality has been severely affected. 5. Pending this contempt petition, two other writ petitions have been filed by the Street Vendors in WP(MD)Nos.16320 of 2019 & 2347 of 2020 contending that they are licensed street vendors and they seek a direction to the Commissioner, Kadayanallur Municipality, to form Town Vending Committee and to demarcate the vending zone, as required under the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act 2014, with a consequential direction restraining the respondents from dislocating them from the present vending area without following the due process of law. 6. Since the writ petitions and the contempt petition are pertaining to the street vendors in and around the Muppudathi Amman Temple Street and Sannathi Street at Kadayanallur, Tirunelveli District, all of them are taken up together and are disposed by way of this common order. 7. The contempt petitioner is a resident of Dr. Ambedkar Street, Kadayanallur and he has approached this Court by filing not less than four writ petitions that the ingress and egress to his house has been affected due to encroachments on the street and public pathway by the street vendors. The petitioners in the writ petitions are street vendors and they have approached this Court contenting that the authorities are attempting to remove their shops without allotting vending zones as required under the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act 2014 (hereafter referred to as Street Vendors Act). Further, they also claim that the police and municipal authorities are harassing them and they are also being asked to pay licence fees to the contractors selected by the Municipality. 8. Heard the learned Counsel appearing for the respective parties. 9. The Municipality has

taken a stand that the writ petitioners before this Court are street vendors and they were issued with identity cards as per the Tamil Nadu Street Vendors (Protection of Livelihood, Regulation of Street Vending and License) Scheme, 2015 (hereafter referred to as 2015 Scheme). It is stated that the writ petitioners were allowed to carry on vending at the Peraringar Anna Daily market for which daily fees of Rs.30/- was charged from them and due to renovation works at the Daily market, the writ petitioners were permitted to set up their shops on the margin of the Santhai Street. 10.It is further claimed by the Municipality that the survey of street vendors has been conducted and the Town Vending Committee has been constituted by the Municipality as per Rule 11 of the 2015 Scheme, that the Municipal Commissioner is the Chairperson of the Committee and that this Committee has identified the street vendors and a total of 325 street vendors have been identified and identity cards have been issued to all these 325 street vendors in the month of June 2024. An election to the Street Vending Committee was conducted on 03.10.2024 and six representatives of the street vendors were elected unopposed and thereafter, the vending zones were identified. The vending zones and fee has been fixed on 20.08.2025. According to the Municipality, the following places have been identified as vending zones:

1.Theradi Thidal, Ward 27, Melakadayanallur. 2.Malampattai Road, Ward 29, Pettai, Kadayanallur. (In front of the Municipal Middle School) 3.Odai Street, Ward 4, Krishnapuram. (In front of the Community Hall, Krishnapuram) 4.Iqbal Middle Street, Ward 13, Kadayanallur. (Near Kusavankundru) 5.South Street, Ward 22, Melakadayanallur. 6.Santhai Street, Ward 29, Pettai, Kadayanallur.

Therefore, according to the respondent Municipality, the street vendors have been identified and the vending zones have also been demarcated as per the Act and 2015 Scheme. 11.The case of the contempt petitioner is that there are several street vendors and hawkers who have encroached upon the streets and public pathways, other than the vending zones, causing inconvenience to the public. In fact, the Municipality and the respondent Police have admitted the case of the contempt petitioner in the earlier rounds of litigation and have also stated before

this Court that the encroachments have been removed, regular police beat would be ensured and the encroachments would not reoccur. 12.The case of the writ petitioners / street vendors is that they were issued with street vendor identity cards, however, the vending zones have not been identified and allotted to them. Therefore, the Municipality is collecting Rs.30/- from them as a daily fee through a Contractor which is also admitted by the Municipality in their counter affidavit. 13.This Court paid it's anxious consideration to the rival submissions made by the respective parties and perused the materials placed on record. 14.Street Vending is recognized as one of the professions, which is in existence in India since time immemorial. They constitute an important segment of the urban population who are unable to get jobs in the formal sector and hence are earning their livelihoods through street vending. With the rising population, the number of street vendors has also increased in the country. The Government of India framed a National Policy for Urban Street Vendors in the year 2009 and while framing the policy, it was found that in Mumbai alone, there were 2,50,000 street vendors and in Delhi, there were 2,00,000 street vendors and in Calcutta, there were 1,50,000 street vendors. These street vendors earn their livelihood by vending on the streets or other spaces used by the general public. However, they also take over the pathways or streets which are meant for use of the general public and this results in inconvenience for the public. It was estimated that the total number of street vendors in the country was around one crore and therefore, there was a necessity to frame a policy to regulate them. 15.The Hon'ble Supreme Court, in *Sodan Singh v. Dew Delhi Municipal Committee* [(1989) 4 SCC 155] has considered the plight of the street vendors that they are eking their livelihood by carrying out vending in the streets and held that right to carry on their business is guaranteed under Article 19(1)(g) of the Constitution. However, it also held that they do not have a right to occupy specific places on the streets or the pavements and cause nuisance to the general public. The relevant portions are extracted as under:

17. So far as right of a hawker to transact business while going from place to place is concerned, it has been admittedly recognised for a long period. Of course, that also is subject to proper regulation in the interest of general convenience of the public including health and security

considerations. What about the right to squat on the roadside for engaging in trading business? As was stated by this Court in *Bombay Hawkers' Union v. Bombay Municipal Corporation* [(1985) 3 SCC 528] the public streets by their nomenclature and definition are meant for the use of the general public: they are not laid to facilitate the carrying on of private business. If hawkers were to be conceded the right claimed by them, they could hold the society to ransom by squatting on the busy thoroughfares, thereby paralysing all civic life. This is one side of the picture. On the other hand, if properly regulated according to the exigency of the circumstances, the small traders on the sidewalks can considerably add to the comfort and convenience of

general public, by making available ordinary articles of everyday use for a comparatively lesser price. An ordinary person, not very affluent, while hurrying towards his home after day's work can pick up these articles without going out of his way to find a regular market. If the circumstances are appropriate and a small trader can do some business for personal gain on the pavement to the advantage of the general public and without any discomfort or annoyance to the others, we do not see any objection to his carrying on the business. Appreciating this analogy the municipalities of different cities and towns in the country have been allowing such traders. The right to carry on trade or business mentioned in Article 19(1)(g) of the Constitution, on street pavements, if properly regulated cannot be denied on the ground that the streets are meant exclusively for passing or re-passing and for no other use. Proper regulation is, however, a necessary condition as otherwise the very object of laying out roads - to facilitate traffic - may be defeated. Allowing the right to trade without appropriate control is likely to lead to unhealthy competition and quarrel between traders and travelling public and sometimes amongst the traders themselves resulting in chaos.

16. In the year 2010, the Hon'ble Supreme Court in *Gainda Ram and Others v. Municipal Corporation of Delhi and Others* [(2010) 10 SCC 715], suggested the

Government to strike a balance between the requirements of the general public for using the road and the interests of the poor street hawkers/vendors and also directed the Government to frame an Act and Scheme to regulate the street vendors. The relevant portions are extracted as under:

78. However, before 30-6-2011, the appropriate Government is to enact a law on the basis of the Bill mentioned above or on the basis of any amendment thereof so that the hawkers may precisely know the contours of their rights. This Court is giving this direction in exercise of its jurisdiction to protect the fundamental rights of the citizens.

79. The hawkers' and squatters' or vendors' right to carry on

hawking has been recognised as a fundamental right under Article 19(1)(g). At the same time the right of the commuters to move freely and use the roads without any impediment is also a fundamental right under Article 19(1)(d). These two apparently conflicting rights must be harmonised and regulated by subjecting them to reasonable restrictions only under a law. The question is, therefore, vitally important to a very large section of people, mostly ordinary men and women. Such an issue cannot be left to be decided by schemes and which are monitored by this Court from time to time.

17. Pursuant to the above orders of the Hon'ble Supreme Court, the Government has introduced the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014. This Act was introduced with the object of enabling the street vendors to pursue their livelihoods in a harassment free atmosphere and to provide them with social security. It also provides a mechanism for the regulation of street vending activities to avoid congestion on public pathways and to ensure the free flow of traffic on roads. 18. The Act provides for the constitution of Town Vending Committee under Section 22 for each local authority consisting of Municipal authorities and representatives of traffic police, police, association of street vendors, market associations, trader associations, non-governmental

organisations, community-based organisations and resident welfare associations. It is provided under Section 3 of the Act that a survey of street vendors shall be conducted by the Town Vending Committee at least once in every 5 years and vending certificate and ID card shall be issued to the street vendors. The Town Vending Committee also has to demarcate the vending and non-vending zones so that the rights of the street vendors are protected. Section 38 of the Act provides for the framing of a scheme by the State Governments for the regulation of Street Vendors and Section 36 mandates the framing of Rules by the appropriate Government. 19. Accordingly, the Government of Tamil Nadu has framed the Tamil Nadu Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme 2015 and notified the same on 02.11.2015. Rule 11 of this Scheme deals with the constitution of the Town Vending Committee and provides that the Municipal Commissioner or the Chief Executive Officer would be the Chairperson of the Committee and the Committee should consist of 15 members with composition as detailed under:-

a) A Medical Officer of the local authority - 1 b) Police officers including the Police in charge of traffic - 2 c) An Officer from the local authority concerned - 1 d) Representatives of street vendors - 6 e) Representatives of Traders Associations - 1 f) Representatives of Non-Governmental and Community based

organisations - 2 g) Representatives of Resident welfare association - 1 20. The election of the street vendors as the members of the Town Vending Committee and the manner of such election are prescribed under Rules 12 & 13. The main purpose of this Committee is to identify the vending zones and to survey the street vendors. As per Rule 3(2), the survey of street vendors shall be carried out by this Committee and concluded within a period of six months from the date on which the scheme is notified. Further, the vending zones are also required to be identified within a period of six months from the date of notification as per Rule 20. The Government of Tamil Nadu has notified the scheme on 02.11.2015. However, in this case, the election to the Town Vending Committee in Kadayanallur Municipality was conducted only on 03.10.2024 and the vending zones were identified only on 20.08.2025. 21. The Street Vendors Act was introduced with the object of protecting the rights and livelihood of the street vendors and provide

some helping hand to those who belong to the vulnerable section of society. Therefore, a scheme has been brought in the year 2015 to regulate street vendors and provide them with vending licence on payment of specified fees. The Vending fees prescribed under Rule 9 of the 2015 Scheme is extracted as under: S.No Category Area Vending Fees Prescribed of Street Vendors

1. Stationary Upto 10 sq.ft. 1% of the Guideline value subject to

vendor minimum of Rs 750/- per annum (Full time) From 10 to 25 sq.ft 2% of the Guideline value subject to a minimum of Rs 1500/- per annum More than 25 sq.ft. 3% of the Guideline value subject to a minimum of Rs 3000/- per annum

2. Stationary Upto 10 sq.ft. 0.5% of the Guideline values subject to a

Vendor minimum of Rs 375/- per annum (Part Time From 10 to 25 sq.ft. 1.0% of the Guideline value subject to a or time minimum of Rs 750/- per annum sharing) More than 25 sq.ft. 1.5% of the Guideline value subject to a minimum of Rs 1500/- per annum.

3. Mobile Upto 10 sq.ft. Rs.750/- per annum Vendor From 10 to 25 sq.ft. Rs.1500/- per annum (with motor vehicle) More than 25 sq.ft. Rs.3000/- per annum

4. Mobile Upto 10 sq.ft. Rs.375/- per annum vendor From 10 to 25 sq.ft. Rs.750/- per annum (vehicle without More than 25 sq.ft. Rs.1500/- per annum motor) S.No Category Area Vending Fees Prescribed of Street Vendors

5. Mobile - Rs.250/- per annum

Vendor (headloads) 22.However, in this case, the writ petitioners / street vendors have admittedly been charged Rs.30/- per day by the Municipality for carrying out street vending, which would amount to almost Rs.10,000/- per anum and is beyond the vending fees prescribed under the 2015 Scheme. This is not the only form of exploitation. The Municipal Corporations are also exploiting the street vendors by appointing contractors to collect these daily fees from the street vendors. The contractors are also charging fees many times higher than the prescribed vending fees from the street vendors. In fact, one of us [Justice

B.Pugalendhi] had come across one such instance in the Ramanathapuram Municipality in the case of R.Jeyabharath vs. Director of Municipal Administration and Others [WP(MD)Nos.13005, 16317 of 2023, dated 22.12.2023], wherein it was observed as under:

21.The successful bidder, Mayil Vahanam, during the course of arguments, submitted that he has spent nearly Rs.1.25 Crore and in view of the interim order passed by this Court, he is not in a position to collect any money from the street vendors. In this regard, he has also filed an additional affidavit dated 01.09.2023, wherein, he has averred as follows:- 5.I submit that I have specifically submitted to this Honourable Court that I have paid a sum of Rs.30,00,000/- as Safety Deposit and also paid a sum of Rs.57,14,408/- as bid amount, as I was the successful bidder. Subsequently, I have paid a sum of Rs.34,78,536/- as balance amount to the Ramanathapuram Municipality. Hence, the total amount paid by me to the Ramanathapuram Municipality comes to Rs. 1,21,92,944/- (One Crore Twenty One Lakh Ninety Two Thousand Nine Hundred and Forty Four only), as follows:- A) Safety Deposit - Rs.30,00,000/- B) Bid Amount - Rs.57,14,408/- C) Balance Amount - Rs.34,78,536/- Totally Paid - Rs.1,21,92,944/-

6.I submit that after successful bidder in the Tender, I received the order on 19.04.2023 and started to collect fee from the Road Side Vendors from 20.04.2023 onwards within the area of Ramanathapuram Municipality. Through out the

Municipality area as a single person, I cannot individually collect fee from the Road Side Vendors. Hence I have appointed 3 to 4 persons for collecting fee from the Road Side Vendors. Daily, I paid Rs.500/- as their salary. Hence, I have to pay salary of Rs.2000/- per day to four persons who collect fee from Road Side Vendors.

7.I submit that as per oral instruction, the fee collected upto 10 Sq.ft area street vendors is Rs.15/- only and every additional 1 Sq.ft, additional Rs.2/- is collected per additional Sq.ft. The fee for tri-wheel cart vendors is Rs.20/- only and for four wheeler vehicle like TATA ACE is Rs.30/- only. By the interim order of this Court, I am not able to collect fee from the Road Side Vendors.

22.As per the survey conducted in the year 2016, there were 352 street vendors in Ramanathapuram Municipality. As per the survey conducted in the year 2022, it was only 329 street vendors. As per the scheme, the licensees were expected to collect Rs.750/- from a stationary vendor if he uses up to 10 sq.ft and Rs.3000/- per annum if he uses more than 25 sq.ft. Assuming all the street vendors of Ramanathapuram Municipality are occupying more than 25 sq.ft area, then the rent eligible to be collected from all these 329 street vendors per year is Rs.9,87,000/-. For the collection of

this amount, which is less than Rs.10 Lakh, it is not known as to how the successful bidder, Mayil Vahanam, has invested more than Rs.1.25 Crore. In fact, the successful bidder has also claimed that he has engaged 3 to 4 persons to collecting this rent and is incurring Rs.2,000/- as salary towards his employees. It is not known as to how this is logically feasible and how the system will work. The successful bidder is not a service provider, he has invested this huge amount not for doing some social service, but has invested this amount as a business. Even calculating a bank interest at the rate of 6%, he would get not less than Rs.7,50,000/- per annum, as interest alone, for this Rs.1.25 Crore. He has to make out this amount, apart from the expenditures incurred for his staff to an extent of Rs.60,000/- per month. In order to achieve these, ultimately, he has to exploit the street vendors, squeeze them and extract more money from the street vendors or he has to permit the street vendors of his choice by receiving considerations rather than the persons

who have been identified as street vendors or he has to permit street vendors in the zones which were declared as non- vending zones also. This would be the ground reality and this is how the schemes are working. Ultimately, the very object for which the scheme was framed by the Government for the welfare as well as regularizing the street vendors is defeated.

23. When this Court sought the response of the Director of Municipal Administration in the said writ petitions in WP(MD)Nos.13005, 16317 of 2023 as to the manner in which the Ramanathapuram Municipality has appointed a contractor to collect daily fees from the street vendors without even identifying the vending zone and the fee to be collected under the Street Vendors Act, the Director of Municipal Administration has issued a direction to the Commissioner, Ramanathapuram Municipality, in ROC.No.23913/2023/UPA, dated 07.09.2023, to cancel the tender and fix the vending fees as per Rule 9 of the 2015 scheme and to collect the prescribed vending fees only from the vendors to whom the certificate of vending is issued. In the said response, the Director has further stated that instructions were issued by the Commissioner of Municipal Administration as early as on 01.08.2014 and on 28.08.2014 to all the urban local bodies to take up the street vendor survey using the bio-metric identification of beneficiaries and thereafter, the scheme and the rules have been framed and notified on 02.11.2015. According to him, 67,474 eligible street vendors were identified and Identity cards were issued to 61,625 street vendors. He also claimed that town vending committees had been formed in 114 out of 158 urban local bodies. It was also stated that the Director of Municipal Administration vide his letter in ROC.No.20789/2021/UPA1, dated 23.09.2022 that instructions were issued to undertake the survey of street vendors in the remaining urban local bodies.

24. When the orders of this Court in WP(MD)No.13005, 16317 of 2023 was challenged before the Division Bench in WA(MD)No.758 of 2024, the Division Bench while affirming the order of the Writ Court, has called for a report as to the position prevailing in other municipalities and corporations with regard to the implementation of the Street Vendors Act, for which, it was admitted by the Director of Municipal Administration that 4 Corporations and 20 Municipalities were collecting vending fees from the street vendors by appointing contractors through

tender process. It was also admitted that in 7 urban local bodies, the town vending committee was not constituted and in 16 urban local bodies, the vending and non-vending zones were yet to be demarcated. The Director of Municipal Administration has also undertaken before the Division Bench that the practice of issuing license to private individuals for collecting street vending fees would be banned with effect from 01.09.2025 (emphasis supplied). The report of the Director dated 18.07.2025, referred to in WA(MD)No.758 of 2024, followed by the observations of the Division Bench, are usefully extracted hereunder:-

4. We called upon the Director of Municipal Administration to make a statement in this regard. Pursuant to the nudging of this Court, today ie., 25.07.2025, the learned Additional Advocate General produced copy of the circular bearing R.O.C.No. Roc. No:23913/2023/UPA Dated: 18.07.2025 Sub:- Street Vendors - Ramanathapuram Municipality - Tamil Nadu Street Vendors Act, 2014 - Collection of vending fee and maintenance charges in ULBs -Status Report submitted.

Ref:- 1. WA (MD) No.758 of 2024 filed by R.Mayilvahanam, before the Madurai Bench of Madras High Court, Dated: 02.07.2025. 2. This office letter Roc.No:20789/2021/UPA-1, Dated: 18.07.2025 3. This office letter Roc.No:20789/2021/UPA-2, Dated: 18.07.2025 4. This office letter Roc.No:20789/2021/UPA-3, Dated: 18.07.2025 5. This office letter Roc.No:20789/2021/UPA-4, Dated: 18.07.2025 6. This office letter Roc.No:20789/2021/UPA-5, Dated:

18.07.2025 7. This office circular Roc.No:20789/2021/UPA, Dated: 18.07.2025

As per direction of the Hon'ble Madurai Bench of Madras High Court WA(MD)No.758 of 2024, dated: 02.07.2025, the following report is submitted. 1) Under the preview of Director of Municipal Administration, there are 168 ULBs comprising 144 Municipalities and 24 Corporations. Out of these 10 ULBs (2 Corporations + 8 Municipalities) have completed street vendors survey, constituted Town Vending Committee also got

approval from vending committee for demarcation of vending and non vending zones as detailed below.

Table - I S.No. Name of the ULB Vending Zones Notification Date of TVC Resolution obtained

1	Vellore	4	28.11.2024	2	Kumbakonam	19			
03.04.2025	3	Nagapattinam	2	29.05.2025	4	Vedaranyam	2	28.03.2025	5
Rameshwaram	2	02.05.2025	6	Collachel	2	10.09.2024	7	Kuzhithurai	1
20.12.2024	8	Padmanabhapuram	3	22.11.2024	9	Kollankodu	2		
16.05.2025	10	Sengottai	1	14.05.2025	Total	38			

In this office reference 2nd, necessary instruction have been issued to the above 10 ULBs (Table-I), based on which they have obtained Town Vending Committee resolution for the demarcated vending and non vending zones, to fix the vending fee in accordance with the Tamil Nadu Street Vendors Act, 2014 and to commence the collection of vending fee, from the street vendors with immediate effect.

2) In this office reference cited 3rd necessary instructions have been issued to the following 41 ULBs (Table-II), based on which they have constituted Town Vending Committees. These ULBs have demarcated the vending, non vending zones and have been instructed to place the demarcated zones before the Town Vending Committee for approval. Further, they have been directed to fix the vending fee in accordance with the Tamil Nadu Street Vendors Act, 2014 and to commence the collection of vending fee, from the street vendors with effect from 01.09.2025.

Table - II S.No. Name of the ULB No. of vending zones identified

1	Thanjavur	23	2																						
Thoothukudi	10	3	Chengalpattu	2	4	Maduranthagam	6	5	Ranipet	3	6	Thiruppathur	3	7	Ambur	2	8	Arani	2	9	Thiruvathiyur	2	10	Mettur	2

11	Idappadi	4	12	Komarapalayam	2	13	Rasipuram	3	14	Dharmapuri	9	15	Punjaipuliampatti	6	16	Karamadai	2	17	Udhagamandalam	4	18
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Pattukottai 5 19 Sirkazhi 5 20 Perambalur 3 21 Thuraiyur 5 22
Manapparai 2 23 Thuvakudi 2 24 Musiri 6 25 Lalgudi 4 26 Mannargudi 4
27 Oddanchatram 1 28 Melur 3 29 Usilampatti 1 30 Ramanathapuram 4
31 Paramakudi 4 32 Devakottai 2 33 Sivagangai 2 34 Theni Ilinagaram 2
35 Periyakulam 6 36 Sankarankovil 4 37 Kadayanallur 2 38 Puliangudi 2
39 Surandai 3

40 Kalakkadu 2 41 Kovilpatti 6 Total 165

3) In this office reference cited 4th, necessary instructions have been issued to the following 66 ULBs (Table-III), base on which they have constituted Town Vending Committees, However, the demarcation of vending, non vending zones is still pending in these ULBs. They have been instructed to complete the demarcation of vending, non vending zones and place the same before respective Town Vending Committees for approval. Additionally, they have been directed to fix the vending fee as per the provisions of the Tamil Nadu Street Vendors Act, 2014, and commence the collection of vending fee from the street vendors from 01.10.2025 onwards.

Table - III S.No. Name of the ULB 1 Hosur 2 Tiruchirappalli 3 Karaikudi 4
Thiruvanamalai 5 N.Guduvanchery 6 Mangadu 7 Thiruvallur 8 Ponnammallee 9
Thiruthani 10 Ponneri 11 Chidambaram 12 Nellikuppam

13 Vadalur 14 Gudiyatham 15 Pernampattu 16 Melvisharam 17
Walajapet 18 Vaniyambadi 19 Jolarpet 20 Villupuram 21 Thirukovilur 22
Sankagiri 23 Tiruchengode 24 Gobichettipalayam 25 Sathiyamangalam
26 Bhavani 27 Pollachi 28 Mettupalayam 29 Valparai 30 Gudalur 31
Karumathampatti 32 Madukkarai 33 Coonoor 34 Gudalur (Ogiris) 35
Nelliyalam 36 Udumalaipet 37 Dharapuram 38 Palladam 39 Kangeyam
40 Thirumuruganpoondi 41 Vellakoil

42 Adhirampattinam 43 Mayiladuthurai 44 Tiruvarur 45 Thiruthuraipoondi
46 Koothanallur 47 Jayankondam 48 Ariyalur 49 Kodaikanal 50
Tirumangalam 51 Keelakarai 52 Manamadurai 53 Bodinayakanur 54
Cumbum 55 Chinnamanur 56 Gudalur (T) 57 Tenkasi 58
Vikramasingapuram 59 Ambasamudram 60 Kayalpattinam 61
Thiruchendur 62 Rajapalayam 63 Virudhunagar 64 Srivilliputhur 65
Aruppukottai 66 Sattur

4) In this office reference cited 5th, necessary instructions have been issued to the following 51 ULBs

(Table-IV),based on which they have completed the survey and identified the street vendors. However these ULBs are yet, to constitute Town Vending Committees and to demarcate vending and non vending zones. They have been instructed to complete the demarcation of vending and non vending zones, place the same before Town Vending Committee for approval, fix the vending fee as per Tamil Nadu Street Vendors Act, 2014 and begin collecting vending fees from the street vendors from 01.11.2025.

Table - IV S.No. Name of the ULB 1 Kancheepuram 2 Tirunelveli 3 Madurai 4 Coimbatore 5 Dindigul 6 Nagercoil 7 Avadi 8 Tiruppur 9 Erode 10 Salem 11 Karur 12 Cuddalore 13 Sivakasi 14 Tambaram 15 Namakkal 16 Pudukottai 17 Maraimalainagar 18 Mamallapuram 19 Kundrathur

20 Sriperumbudur 21 Thiruverkadu 22 Thirunindravur 23 Panruti 24 Virudhachalam 25 Thittakudi 26 Arcot 27 Arakkonam 28 Sholingar 29 Vandavasi 30 Polur 31 Sengam 32 Tindivanam 33 Kottakuppam 34 Kallakurichi 35 Ulundurpettai 36 Attur 37 Narasingapuram 38 Idanganasalai 39 Tharamangalam 40 Pallipalayam 41 Krishnagiri 42 Kulithalai 43 Pallapatti 44 Pugalur 45 Perundurai 46 Kothagiri 47 Avinashi 48 Thiruvaivaru

5) Based on the reports received from ULBs, it is stated that 4 Corporations and 20 Municipalities totally 24 ULBs (Table- V) are currently collecting vending fee from the street vendors through tender process. However in 7 ULBs, the Town Vending Committee has not yet been constituted and in 16 ULBs, vending, non vending zones have are yet to be demarcated. These 24 ULBs are in process of obtaining Town Vending Committee (TVC) resolution for demarcated vending and non vending zones.

Table - V S.No. Name of the ULB Date of Whether Date of TVC constitution of vending zone resolution TVC demarked obtained for vending zones

1	Karaikudi	26.07.2024	No
2	Pudukottai	-	No
3	Tiruvannamalai	10.06.2025	No
4	Kancheepuram	-	No
5	Tiruvallur	10.06.2025	No
6	Chidambaram	10.06.2025	No
7	Thittakudi	-	No
8	Vaniyambadi	22.01.2024	No
9	Polur	-	No
10	Sengam	-	No
11	Kallakuruchi	-	No
12	Mayiladuthurai	27.11.2024	No
13	Usilampatti	05.08.2024	Yes

14 Paramakudi 15.07.2024 Yes - 15 Keelakarai 02.08.2024 No - 16 Sivagangai 14.07.2024 Yes - 17 Tenkasi 02.08.2024 No - 18 Sankarankovil 16.08.2024 Yes - 19 Kovilpatti 14.08.2024 Yes - 20 Mettur 12.08.2024 Yes - 21 Idappadi 14.02.2025 Yes - 22 Sankagiri 31.03.2023 No - 23 Rasipuram 30.08.2024 Yes - 24 Kulithalai - No -

Wherever the Town Vending Committee has not been constituted and the vending and non vending zones have not been demarcated and placed: before Town Vending Committee, necessary instructions have been issued as per this office reference 6th cited, to take immediate action to demarcate vending and non vending zones, place the proposal before the Town Vending Committee for approval. Further, it is instructed to revise the existing practice and fix the vending fee as per section 9 of

the Tamil Nadu Street Vendors Act, 2014, to collect the vending fees from the vendors who have been issued a certificate of vending.

6) In this office reference ih cited, a circular has been issued to Commissioners of all Corporations and Municipalities to fix and collect vending fees, for the occasional, festival and seasonal vendors after getting approval from Town Vending Committee. They have also been directed to fix and collect maintenance charges from the street vendors with approval of municipal council.

5.It is undertaken before us that this practice of issuing license to private individuals for collecting street vending fees would stand banned with effect from 01.09.2025. We also direct Ramanathapuram Municipality to refund the proportionate amount to the appellant herein without any further delay.

25.Though the Street Vending Act was enacted in the year 2014 and the scheme was framed in the year 2015, with a mandate that all the municipalities have to carry out a survey of the street vendors through the Town Vending Committee and complete the same within six months from the date on which the scheme was notified, the same has not been completed. In fact, the Director of Municipal Administration also issued a circular dated 08.09.2023 issuing instructions to all the urban local bodies to complete the street vendor surveys and identify the vending zones in a time bound manner. The relevant portions of the Circular dated 08.09.2023 is extracted hereunder:

In the reference 5th cited, the DMA has issued instructions to all the ULBs to undertake the street vendors survey and the survey is in the process. In continuation of this, all the ULBs are instructed to adhere the following time schedule and to complete the formation of fresh vending committee, in case existing town vending committee has completed its tenure of five years or no town vending committee had been formed earlier. S.No Activity Timeline

1. Completion of ongoing street vendors survey 31.10.2023

2. Issue of ID cards to street vendors 15.11.2023

3. Conducting Election to select Vending 31.12.2023 Committee members
4. Town Vending Committee formation 20.01.2024
5. Identification of Vending Zone and Non- 28.02.2024 Vending Zone
6. Preparation of Street Vending Plan 31.03.2024 All the activities mentioned above should be completed in the time specified without any delay. The Action Taken Report should be send to this office.

However, it is clear from the reports of the Director that the Municipalities / local bodies have not complied with the statutory mandate and circulars for the reasons best known to them. 26.Even in this case, the contempt petitioner has filed not less than four writ petitions from the year 2017 onwards that the ingress and egress to his house has been affected in view of the encroachments by the street vendors. Certain photographs have also been placed before this Court, which would confirm the same. The public pathways and streets are occupied by the vendors leaving no space for the pedestrians and the public to move. The Municipality claims that the street vendors were allowed to carry on with their business on the margins of the public streets which was the cause of action for the earlier writ petitions filed before this Court. 27.It is regrettable to note that the officers who are heading the Kadayanallur Municipality from the year 2017 were least bothered about implementing the Street Vendors Act or the Rules and Scheme made thereunder and also the instructions provided by the Government were not followed. This situation is present not only in Kadayanallur Municipality, but appears to be the common situation in other urban local bodies too. In this contempt petition also, a status report has been filed by the Director of Municipal Administration as under:-

Sl.No.	Activity	Urban	Local Bodies	Total	Completed	Under Process
1	Completion of street vendor survey	169	169	-	2	Issue of ID cards
169	-	3	Conducting street vendor election for	169	150	19
town vending	committee members	4	Constitution of town vending	169	150	19
committee	5	Identification of vending and non	169	117	52	vending zone

6 Demarcation of vending zone and 169 117 52 approval of town vending committee obtained 7 Fixation of vending fee 169 97 72

28. From the above, it is clear that the mandates under the Street Vendors Act and the 2015 Scheme have not been completed in several municipalities / local bodies even after repeated directions from this Court and the earlier proceedings of the Director dated 18.07.2025, as placed before the Division Bench of this Court in WA(MD)No.758 of 2024. 29. Our country is governed by the rule of law. Rule of Law mandates that every authority, whether legislative, executive, or administrative, is bound by and must act strictly in accordance with the law. The executive function consists of the execution and implementation of government policies and the executive authorities are conferred with powers for this purpose. The faithful execution of statutes and subordinate legislations is integral to the preservation of the Rule of Law. The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 provides a structured framework for the formation of town vending committees and the identification of vending zones and it is incumbent upon the authorities of the local bodies to implement the provisions of the Act. However, the reports filed by the Director makes it clear that the executive authorities of the Directorate are least bothered about implementing of the provisions of the aforesaid Act and the Rules framed thereunder. Such failure to constitute or effectively operationalise statutory bodies, the non-adherence to prescribed timelines and the casual bypassing of statutory provisions renders the rule of law illusory. 30. No doubt, the aforesaid Act and Rules do not specify the course of action to be taken when the timeline specified under them are not complied with. However, the same does not allow the executive authorities to act with impunity. Any deviation from, or non-compliance with the statutory mandates constitutes a clear failure in discharge of statutory duty and would necessarily attract disciplinary proceedings under the relevant Conduct Rules. Rule 20 of the Tamil Nadu Government Servants Conduct Rules provides that every member of the service shall maintain absolute integrity and devotion to duty. It also provides that no government servant shall evade the responsibility devolving legitimately on him during the performance of his duties or in the exercise of his powers. Further, the explanation to this Rule provides that a government servant who habitually fails to perform a task assigned to him within the time set for the purpose and with

the quality of performance expected from him shall be deemed to be lacking in devotion to duty within the meaning of the Rule. Therefore, the government servants who are not fulfilling the duty imposed on them under the law are liable to be proceeded with under this rule. 31.Considering the manner in which the processes required under the Street Vendors Act and the Rules and 2015 Scheme have not been carried out in several urban local bodies, this Court directs the Director of Municipal Administration to initiate disciplinary proceedings as against the erring Commissioners of Municipalities / Corporations / Local Bodies for not implementing the mandates under the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act 2014 and the 2015 Rules and also for failing to comply with the instructions of the Director of Municipal Administration. The action taken report has to be filed before this Court within a period of 6 months from the date of receipt of a copy of this order. 32.An undertaking was provided before this Court by the Municipality in the earlier writ petitions that Ward Nos.17 & 18 would be maintained free of encroachments and it was assured that the respondents would ensure free flow of traffic. Clearly, this undertaking has not been complied with by the authorities concerned and there is wilful disobedience of the orders of this court. However, this Court is of the opinion that imposing punishment on the authorities would be of no use. Therefore, the respondents are directed to comply with the above undertaking and ensure that there are no encroachments by street vendors in Ward Nos.17 & 18, in and around Muppudathi Amman Temple Street. 33.As far as the case of the writ petitioners / street vendors is concerned, the identity cards issued to the street vendors are placed before the Court and the Municipality has admitted to issuing the same. Therefore, the respondents are directed to issue vending licence and allot a space in the demarcated vending zone to the writ petitioners / street vendors, provided they are eligible as per the Street Vendors Act and the 2015 Scheme and are prepared to comply with the conditions under the same. The respondents shall strictly ensure that the street vendors are not charged any fees other than the vending fees fixed under the Act and Scheme. 34.We hope and trust that the undertaking given by the Government before the Division Bench in WA(MD)No.758 of 2024 that the practice of issuing license to private individuals for collecting street vending fees would be banned from 01.09.2025 is honoured in its true spirit. With the above

directions, these petitions stand disposed. No costs. Consequently, all the connected miscellaneous petitions stand closed. [P.V.,J.] [B.P.,J.] 05.06.2026
Index : Yes / No Internet : Yes gk To 1.The Commissioner, Kadayanallur Municipality, Kadayanallur, Tirunelveli District. 2.The Inspector of Police, Kadayanallur Police Station, Kadayanallur, Tirunelveli. 3.The District Collector, Tirunelveli. 4.The Superintendent of Police, Tirunelveli. 5.The Regional Director of Municipal Administration, Tirunelveli. 6.The Revenue Divisional Officer, Tenkasi. 7.The Tahsildar, Kadayanallur, Tirunelveli District. 8.The Director of Municipal Administration, Chennai. 9.The District Collector, Tenkasi. 10.The Superintendent of Police, Tenkasi.

P.VELMURUGAN, J.

AND

B.PUGALENDHI, J.

gk Cont.P(MD)No.1851 of 2019 & WP(MD)Nos.16320 of 2019; 2347 of 2020
05.06.2026

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