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W.P.(MD)NO.24786 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.11.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.24786 of 2023

1. The Kanniyakumari Special Grade Town Panchayat,
Rep. By its President,
Stephen,
Kanniyakumari,
Kanniyakumari District.
 2. M.Suja,
Councilor,
5th Ward, Kanniyakumari Town Panchayat,
Kanniyakumari – 629 702,
Kanniyakumari District.
- ... Petitioners

Vs.

1. The District Collector,
Kanniyakumari District,
Collectorate,
At Nagercoil,
Kanniyakumari District.
 2. T.Sivasudalaimani
(R-2 is impleaded vide order dated 01.11.2023 in
W.M.P.(MD)No.22550 of 2023)
- ... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to permit the petitioner town panchayat to auction and license vacant space for hauking / street vending in the vacant lands vested in the petitioner town panchayat



between Kamarajar Mandapam to Kovalam Road falling within the petitioner town panchayat within the time that may be stipulated by this Court.

For Petitioners : Mr.M.Mohaboob Athiff

For R-1 : Mr.C.Satheesh,
Government Advocate.

For R-2 : Mr.T.Lajapathi Roy,
Senior counsel,
for M/s.Lajapathi Roy and Associates.

* * *

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Government Advocate appearing for the first respondent and the learned Senior counsel appearing for the impleaded respondent.

2. The writ petitioner applied to the District Collector, Kanniyakumari seeking permission to auction the petition-mentioned vacant spaces for the purpose of granting licenses to hawkers / street vendors.



3. When the matter was taken up for hearing, the learned Government Advocate produced a copy of the memo bearing Na.Ka.No.7326/2022/Pa3 dated 19.11.2022 in which permission was granted to put up temporary shops on ground rent in the following terms:-

- 1. கோவளம் சாலை NH 47-லிருந்து சிலுவை நகர் செல்லும் சாலையில் சீசன் கால தற்காலிக தடைகள் (8 Feet x 4 Feet என்ற அளவில்)
2. ராஜீவ்காந்தி சிலை முதல் அரசு அருங்காட்சியகம் சாலை இடது புறம் மட்டும் (30 கடைகள்)
3. சன்னதி தெரு (23 கடைகள்)□

4. It is stated that for the current year also, the very same permission can be granted. It is proposed to grant license for 72 shops under the first category, 30 shops under the second category and 23 shops under the third category.

5. I make it clear that the licensees will not be allowed to put up any kind of structure. They can bring push carts or baskets or any other removable structures. When the business for the day is wound up, the ground should be as before. Auction shall be conducted by the Executive Officer of



Kanyakumari Special Grade Town Panchayat in a fair and transparent manner. The panchayat shall ensure that the number of licenses is not exceeded or bifurcated. This writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

01.11.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

PMU

Note : Issue order copy on 02.11.2023.

To:

The District Collector,
Kanniyakumari District,
Collectorate,
At Nagercoil,
Kanniyakumari District.



WEB COPY



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G.R.SWAMINATHAN,J.

PMU

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