

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 26TH DAY OF FEBRUARY 2015/7TH PHALGUNA, 1936

WP(C).No. 26406 of 2013 (A)

PETITIONER(S):

1. **BASHEER P.H**
PARATHINGAPARAMBIL HOUSE, CHALAKUDY PO.
THRISSUR DISTRICT.
2. **DEVASSYKUTTY K.V.**
KUNNATHOLY HOUSE, MELOOR PO., THRISSUR DISTRICT.
3. **NAZEER M.M**
MANAKULANGARAPARAMBIL HOUSE, CHALAKUDY PO.
THRISSUR DISTRICT.
4. **KUTTAN U.R**
UTHUNBATHUKARAN HOUSE, CHALAKUDY PO., KOODAPUZHA
THRISSUR DISTRICT.
5. **RASHEED B.H**
BANGLAVUPARAMBIL HOUSE, CHALAKUDY, THRISSUR DISTRICT.
6. **RAHMAN B.H**
BANGLAVUPARAMBIL HOUSE, POTTA, CHALAKUDY
THRISSUR DISTRICT.
7. **MOITHEEN K.S**
KANJIRAPARAMBIL HOUSE, NORTH CHALAKUDY, CHALAKUDY PO.
THRISSUR DISTRICT.

BY ADVS.SRI.LINDONS C.DAVIS
SRI.V.C.VALSAN

RESPONDENT(S):

1. **UNION OF INDIA**
REPRESENTED BY SECRETARY TO THE GOVERNMENT
MINISTRY OF HOUSING AND URBAN POVERTY ALLEVIATION
NIRMAN BHAWAN, NEW DELHI - 110011.

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WP(C).No. 26406 of 2013 (A)

**2. STATE OF KERALA
REPRESENTED BY SECRETARY TO GOVERNMENT
LOCAL SELF GOVERNMENT DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM - 695 001.**

**3. CHALAKUDY MUNICIPALITY
REPRESENTED BY ITS SECRETARY, MUNICIPAL OFFICE
CHALAKUDY - 680307.**

**4. SUB INSPECTOR OF POLICE
CHALAKUDY - 680 307.**

**R1 BY ADV. SRI.N.NAGARESH, ASG OF INDIA
R2 & 4 BY GOVERNMENT PLEADER SRI.K.C.VINCENT
R3 BY ADV. SRI.SHEEJO CHACKO, SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 26-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT-P1: TRUE COPY OF THE LICENSE ALONG WITH THE IDENTITY CARD
ISSUED TO THE 1ST PETITIONER BY FSSAI.
- EXHIBIT-P2: TRUE COPY OF THE LICENSE ALONG WITH THE IDENTITY CARD
ISSUED TO THE 2ND PETITIONER BY FSSAI.
- EXHIBIT-P3: TRUE COPY OF THE LICENSE ALONG WITH THE IDENTITY CARD
ISSUED TO THE 3RD PETITIONER BY FSSAI.
- EXHIBIT-P4: TRUE COPY OF THE LICENSE ALONG WITH THE IDENTITY CARD
ISSUED TO THE 4TH PETITIONER BY FSSAI.
- EXHIBIT-P5: TRUE COPY OF THE LICENSE ALONG WITH THE IDENTITY CARD
ISSUED TO THE 5TH PETITIONER BY FSSAI.
- EXHIBIT-P6: TRUE COPY OF THE LICENSE ALONG WITH THE IDENTITY CARD
ISSUED TO THE 6TH PETITIONER BY FSSAI.
- EXHIBIT-P7: TRUE COPY OF THE LICENSE ALONG WITH THE IDENTITY CARD
ISSUED TO THE 7TH PETITIONER BY FSSAI.
- EXHIBIT-P8: TRUE COPY OF THE " NATIONAL POLICY ON URBAN STREET
VENDORS, 2009".
- EXHIBIT-P9: TRUE COPY OF THE ORDER OF HON'BLE SUPREME COURT IN CIVIL
APPEAL NO.4156 OF 2002 AND CONNECTED MATTERS DATED
09.09.2013.

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

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P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 26406 of 2013

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Dated, this the 26th day of February, 2015

JUDGMENT

The petitioners who are stated as 'Street Vendors/Hawkers' have approached this Court with the following prayers :

"(i) To issue a writ of mandamus or any other appropriate writ or order or direction directing the respondents to permit the petitioners for street vending/hawking till the exercise of registration and creation of street vending/hawking zoned is completed in terms of the Ext. P8 policy in Chalakudy Municipality;

(ii) To issue a writ of mandamus or any other appropriate writ or order or direction directing the respondent to implement Ext. P8 in Chalakudy Municipality within a time frame fixed by this Hon'ble Court;

(iii) To issue a writ of mandamus or any other appropriate writ or order or direction directing the respondents to issue necessary licenses to the petitioner for street vending / hawking in Chalakudy Municipality.

(iv) To grant such other and further reliefs as are just, proper and necessary in the facts and circumstances of the case.

2. When the matter came up for consideration on 29.10.2013, 'status quo' was ordered till the next date of posting.

3. The learned standing counsel appearing for the 3rd respondent Municipality submits that, pursuant to the Street Vendors

(Protection of Livelihood and Regulation of Street Vending) Act, 2014, a 'Street Vending Committee' has already been constituted and the 'street vendors' eligible to have the benefit, have already been identified. It is stated that steps are being taken on war footing to identify a 'vending zone' and that the proceedings in this regard will be finalized at the earliest, at any rate, within three months from the date of receipt of a copy of this judgment.

4. In the above circumstances, the writ petition is disposed of, directing the third respondent Municipality to identify a 'vending zone' and complete the steps with regard to rehabilitation of the 'Street Vendors', in accordance with the relevant provisions of law. The above exercise shall be completed at the earliest, at any rate, within three months from the date of receipt of a copy of this judgment.

The interim order passed by this Court on 29.10.2013 will continue till such time.

The petitioners shall produce a copy of this judgment along with a copy of the writ petition before the third respondent for further steps.

Sd/-

**P. R. RAMACHANDRA MENON,
(JUDGE)**

kmd