

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 23RD DAY OF JANUARY 2015/3RD MAGHA, 1936

WP(C).No. 27220 of 2013 (B)

PETITIONER:

1. PAUL K.V.
KANNATHOLY HOUSE, MELOOR PO , CHALAKUDY VIA
THRISSUR DIST
2. UNNIKRISHNAN A K
AYYAMKULAM HOUSE, KALLUKUTY, MELOOR P O
THRISSUR DIST
3. MAJEED B A
BANGLAVUPARAMBIL HOUSE, VETTUKADAVU ROAD
CHALAKUDY P O, THRISSUR DIST
4. PRAKASAN K R
KOKKADAN HOUSE, KUTTICHIRA P O, CHALAKUDY
THRISSUR DIST
5. JAISON A O, ALUKKA HOUSE,
KODAPUZHA, CHALAKUDY P O, THRISSUR DIST
6. JOY K V, KUNNATHOLY HOUSE,
MELOOR P O, THRISSUR DIST
7. VARGHESE M K
MECHERY HOUSE, ELINJIPRA P O, CHOWKA
THRISSUR DIST
8. JOSE K P , KALLELY HOUSE,
KODAPUZHA CHALAKUDY, THRISSUR DIST
9. LONAPPAN C J
CHIRIYANKANDATH HOUSE, CHALAKUDY P O, THRISSUR DIST
10. SHABU M K
MUTTATHUSALY HOUSE, VADAMA, MALA P O
THRISSUR DIST
11. BIJU A J, ARIMBUPARAMBAN HOUSE,
THIRUMUDIKUNNU, KORATTY EAST P O
THRISSUR DIST
12. ALBY A P, ALUKKA HOUSE,
NORTH CHALAKUDY, THRISSUR DIST

13. SHAFEEK M K
MUKTTATHSHALIY HOUSE, MALA P O, THRISSUR DIST

BY ADV. SRI.LINDONS C.DAVIS

RESPONDENTS:

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

2. STATE OF KERALA
REP BY SECRETARY TO GOVERNMENT
LOCAL SELF GOVERNMENT DEPARTMENT, SECRETARAIT
THIRUVANANTHAPURAM-695001

3. CHALAKUDY MUNICIPALITY
REP BY ITS SECRETARY, MUNICIPAL OFFICE
CHALAKUTY-680307.

4. SUB INSPECTR OF POLICE
CHALAKUDY - 680 307.

R1 BY SRI.P.PARAMESWARAN NAIR,ASG OF INDIA
R1 BY SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL
R2 & 4 BY SR. GOVERNMENT PLEADER SRI. K.C. VINCENT
R3 BY ADV. SRI.SHEEJO CHACKO, SC, CHALAKUDY MUNICIPALITY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
23-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

P1:-TRUE COPY OF THE LICENSE ALONG WITH THE IDENTITY CARD ISSUED TO THE 1ST PETITIONER BY FSSAI

P2:-TRUE COPY OF THE LICENSE ALONG WITH THE IDENTITY CARD ISSUED TO THE 2ND RESPONDENT BY FSSAI

P3:-TRUE COPY OF THE LICENSE ALONG WITH THE IDENTITY CARD ISSUED TO THE 3RD PETITIONER BY FSSAI

P4:-TRUE COPY OF THE LICENSE ALONG WITH THE IDENTITY CARD ISSUED TO THE 4TH PETITIONER BY FSSAI

P5:-TRUE COPY OF THE LICENSE ALONG WITH THE IDENTITY CARD ISSUED TO THE 5TH PETITIONER BY FSSAI

P6:-TRUE COPY OF THE LICENSE ALONG WITH THE IDENTITY CARD ISSUED TO THE 6TH PETITIONER BY FSSAI

P7:-TRUE COPY OF THE LICENSE ALONG WITH THE IDENTITY CARD ISSUED TO THE 7TH PETITIONER BY FSSAI

P8:-TRUE COPY OF THE LICENSE ALONG WITH THE IDENTITY CARD ISSUED TO THE 8TH PETITIONER BY FSSAI

P9:-TRUE COPY OF THE LICENSE ALONG WITH THE IDENTITY CARD ISSUED TO THE 9TH PETITIONER BY FSSAI

P10:-TRUE COPY OF THE LICENSE ALONG WITH THE IDENTITY CARD ISSUED TO THE 10TH PETITIONER BY FSSAI

P11:-TRUE COPY OF THE LICENSE ALONG WITH THE IDENTITY CARD ISSUED TO THE 11TH PETITIONER BY FSSAI

P12:-TRUE COPY OF THE LICENSE ALONG WITH THE IDENTITY CARD ISSUED TO THE 12TH PETITIONER BY FSSAI

P13:-TRUE COPY OF THE LICENSE ALONG WITH THE IDENTITY CARD ISSUED TO THE 13TH PETITIONER BY FSSAI

P14:-TRUE COPY OF THE 'NATIONAL POLICY ON URBAN STREET VENDORS, 2009'

P15:-TRUE COPY OF THE ORDER OF HON'BLE SUPREME COURT IN CIVIL APPEAL NO 4156 OF 2002 AND CONNECTED MATTERS DATED 9/9/2013

P16:-TRUE COPY OF THE INTERIM ORDER DATED 29/10/2013 IN WPC NO 26406/2012

RESPONDENT(S)' EXHIBITS

ANNEXURE -1 - TRUE COPY OF THE NOTICE DATED 13.11.2014 ISSUED BY 3RD RESPONDENT TO THE 3RD PETITIONER.

// TRUE COPY //

P.A, TO JUDGE

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 27220 of 2013

Dated this the 23rd day of January, 2015

J U D G M E N T

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 zones is completed in terms of the Ext.P14 Policy in Chalakudy Municipality.*
- ii) To issue a Writ of mandamus or any other appropriate writ or order or direction directing the respondents to implement Ext.P14 Policy in Chalakudy Municipality within a time frame fixed by the 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 petitioners for street vending / hawking in Chalakudy Municipality."*

2. When the matter came up for consideration before this Court on 21.11.2014, the merit of the case was examined also in the light of the prayers sought for in the I.A. No.15274/2014, and the following interim order was passed.

"The third petitioner's pushcart and goods have been removed by the Municipality alleging that he has encroached upon the market-yard.

The third petitioner submits that he has not encroached upon the market-yard and, therefore, he is entitled for return of pushcart and other goods taken by the Municipality officials. However, the third petitioner submits that he may be permitted to continue street vending in a place other than the market area.

2. In view of the above, the third petitioner may be permitted to compound the action on payment of Rs.460/- and the pushcart and any other goods available to the third petitioner shall be released on payment of the above amount. It is made clear that the third petitioner's street vending in any other area will not be interfered without obtaining further orders from this Court.

Status quo as on today for a period of two months."

3. The learned standing counsel appearing for the respondent Municipality submits that, pursuant to the Street Vendors (Protection of Liverlihood 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 finalised 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, this writ petition is disposed of, directing the 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 21.11.2014, will continue till such time.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.