

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 20.04.2015

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.11364 of 2015

and

M.P.No.1 of 2015

1 S.Selvam
2 N.Kumar
3 T.Mani
4 N.Lakshmi
5 V.Pappathi
6 R.Ramanujam
7 V.Arikarishnan

...Petitioners

Versus

1 The Commissioner
Thiruvarur Municipality Thiruvarur
2 The District Collector
Thiruvarur District Thiruvarur
3 The Divisional Engineer
High Ways and Rural Works Division
Government of Tamil Nadu Thiruvarur
4 The Superintendent of Police
Thiruvarur District Thiruvarur
5 The Director of Municipalities
Government of Tamil Nadu Chennai.
6 The Director of Rural
Panchayats Government of Tamil Nadu Chennai
7 The Assistant Director
(Rural Panchayats) Government of Tamil Nadu
Thiruvarur.
8 The Commissioner
Block Development Officer Thiruvarur
Panchayat Union Thiruvarur.

...Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, Directing the 1st respondent to form a Town Vending Committee Ward and Zone Vending Committees within his Municipal jurisdiction as per the provisions of the Central Act No.7 of 2014 and to issue the Identification Card to all the petitioners duly allotting a place for vending at Thiruvavarur Town within the time frame as may be fixed by this Honourable Court

For Petitioners : Mr.L.Chandra Kumar
for Mr.S.Siva Kumar

For Respondents : Mr.P.Sanjai Gandhi (for R1 & R8)
Additional Government Pleader.
Mr.Durai Solaimalai (for R2 to R7)
Additional Government Pleader.

O R D E R

By consent, the main writ petition is taken up for final disposal.

2. The petitioners claiming to be the members of Road Side Fruit Vendors' Association, submitted a representation dated 17.12.2014 to the respondents stating among other things that their members are engaged in vending of various articles, goods, wares, food items including vegetables and fruits and they are doing it for the past 50 years hereditarily and also paying the statutory dues to the Thiruvavarur Municipality and in utter violation of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, their members are sought to be evicted without providing them with alternate accommodation.

3. Mr.L.Chandra Kumar, learned counsel appearing for the petitioners would submit that the petitioners who are numbering seven alone have been singled out and there is a threat of dispossession, looming large on their head and prays for appropriate orders.

4. Heard the submissions of Mr.P.Sanjay Gandhi, learned Additional Government Pleader, who accepts notice for respondents 1 and 8 and Mr.Durai Solaimalai, learned Additional Government Pleader, who accepts notice for respondents 2 to 7 and would submit that the representations submitted the Association will be considered by the 1st respondent in proper perspective and appropriate orders will be passed.

5. In response to the said submission, learned counsel appearing for the petitioners would submit that the petitioners may also be permitted to submit individual/joint representation for the consideration of 1st respondent and appropriate orders may be directed to be passed.

6. Though the petitioners have sought for a larger relief, this Court in the facts and circumstances of the case, is of the view that it would be suffice to direct the 1st respondents to consider and dispose of the petitioner's representation dated 17.12.2014, submitted by the Road Side Fruit Vendors' Association and also permit the petitioners to submit either individual representation or joint representation to the 1st respondent, who shall consider the same and pass appropriate orders.

7. In the result, this Court, without going into the merits of the petitioner's representation, directs the 1st respondent to consider the petitioner's representation dated 17.12.2014, along with the representation, if any, submitted by the petitioners either individually or jointly and pass orders on merits and in accordance with law, as expeditiously as possible and not later than eight weeks from the date of receipt of a copy of this order and inform the decision taken to the petitioners and till such time, both parties shall maintain status quo as it exists today.

8. The writ petition is disposed of, accordingly. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

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To

1 The Commissioner
Thiruvarur Municipality Thiruvarur

2 The District Collector
Thiruvarur District Thiruvarur

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3 The Divisional Engineer
High Ways and Rural Works Division
Government of Tamil Nadu Thiruvarur

4 The Superintendent of Police
Thiruvarur District Thiruvarur

5 The Director of Municipalities
Government of Tamil Nadu Chennai.

6 The Director of Rural
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7 The Assistant Director
(Rural Panchayats) Government of Tamil Nadu
Thiruvarur.

8 The Commissioner
Block Development Officer Thiruvarur
Panchayat Union Thiruvarur.

1 CC to Mr.P.Sanjai Gandhi, Advocate SR.No. 21842

1 CC to the Government Pleader, SR.No. 21491

1 CC to M/s. Law Square, Advocate SR.No. 21444

W.P.No.11364 of 2015

MP (CO)
PSI (30.04.2015)

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