

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.37299/2015 & MP.No.1/2015

Ariyalur Nagar Salaiyora Tahlluvandi
Vyabarigal Nalasangam, rep. by its
Secretary Muralikrishnan

.. Petitioner

Vs.

1.The District Collector
Ariyalur District, Ariyalur.

2.The Commissioner
Ariyalur Municipality
Ariyalur.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus restraining the respondents, their men, agents from interfering with the petitioner's sangam business activities on the roadside from Anna Statue till Water Tank which is one Kilometre from Gandhi Market or in the alternative allot shops in vacant site situate at near police quarters nearby Ariyalur High School and also near Krishnar temple in Ariyalur District.

For Petitioner : Ms.R.Poornima

For Respondents: Mr.R.Vijayakumar, AGP for R1
Mr.N.Sakthivel, GA for R2

सत्यमेव जयते
ORDER

Heard the learned counsel for the petitioner ;
Mr.R.Vijayakumar, learned Additional Government Pleader
accepting notice on behalf of the 1st respondent and
Mr.N.Sakthivel, learned Government Advocate accepting notice on
behalf of the 2nd respondent and with their consent, the main
writ petition is taken up for final disposal.

2 The petitioner seeks for issuance of a writ of mandamus restraining the respondents, their men, agents from interfering with the petitioner's sangam business activities on the roadside from Anna Statue till Water Tank which is one Kilometre from Gandhi Market or in the alternative allotted shops in vacant site situate at near police quarters nearby Ariyalur High School and also near Krishnar temple in Ariyalur District.

3 The petitioner is an Association registered under the provisions of the Tamil Nadu Societies Registration Act on 17.04.2015. The petitioner would state that its members are small time traders in vegetables, fruits, flowers, fancy items etc., by selling the said items in the pushcart. The petitioner would state that its members were carrying on the business near Anna Statue and they have now been evicted on the ground that they have encroached the public road and the drainage channel.

4 The photographs filed in the typed set of papers, show that the members of the petitioner Association are trading on the top of the drainage channel by closing the channel with temporary structures. Though the petitioner Association has been allotted an alternative site, the members of the petitioner Association do not want to move to that site stating that it is in the back of the building and they will lose out all their business. In my view, there cannot be vested right for the petitioner Association to insist that they will continue to trade on road margins, that too, by erecting temporary structures on top of the drainage channel. Therefore, the action of the respondents in evicting the members of the petitioner Association, cannot be faulted. However, if there is any difficulty for the petitioner Association to continue their trading in the place allotted by the respondents, it is always open to them to submit a detailed representation along with a copy of this order to the 2nd respondent, who shall consider the same and pass appropriate orders on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

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5 The writ petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-III)

True Copy

Sub Assistant Registrar

To

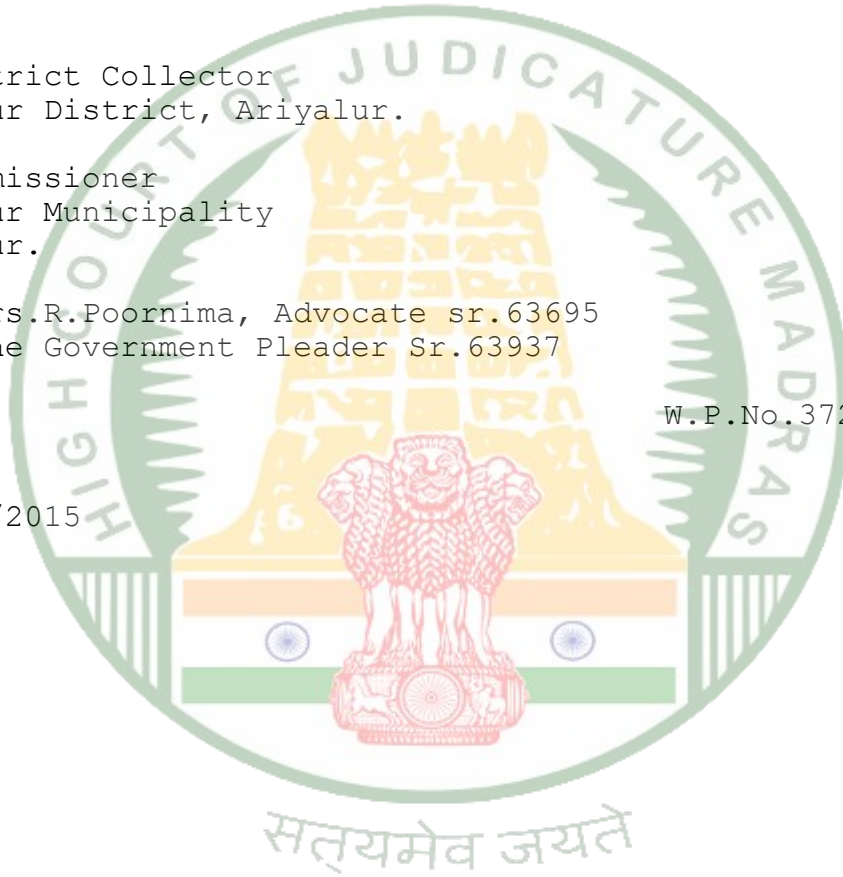
1.The District Collector
Ariyalur District, Ariyalur.

2.The Commissioner
Ariyalur Municipality
Ariyalur.

+lcc to Mrs.R.Poornima, Advocate sr.63695
+lcc to The Government Pleader Sr.63937

W.P.No.37299/2015

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srg 08/12/2015



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