



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.01.2015

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE B. RAJENDRANWrit Petition (MD) No. 926 of 2015
MP(md) NO. 1 & 2 of 2015

Qaide Millath Street Vendors Association
Rep by its President Abbas,
Mattuthavani Bus Stand,
Madurai.

... Petitioner

Vs.

1. The District Collector,
Madurai District,
Madurai.

2. The Commissioner of Police,
Madurai District,
Madurai.

3. The Commissioner of Corporation,
Madurai Corporation,
Corporation Office,
Madurai.

4. The Inspector of Police,
Anna Nagar Police Station,
Madurai.

5. Devadoss
Assistant Commissioner,
Madurai Corporation,
Madurai.

6. Palanichamy,
Assistant Commissioner,
Madurai Corporation,
Madurai.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents not to disturb the members of the petitioner association to run the petty shop in front of the Mattuthavani Omni Bus stand or to give an alternate place.

For Petitioner

: Mr. S. M. A. Jinnah

For 1st Respondent: Mr. S. Chandrasekar,
Government Advocate.

For Respondents 3, 5 & 6

: R. Murali

For Respondents 2 & 4

: Mr. R. Karthikeyan,
Additional Government Pleader.



O R D E R

The present writ petition has been filed for a Mandamus directing the respondents not to disturb the members of the petitioner association to run petty shops in front of Mattuthavani Omni Bus Stand or to give alternate place.

2. According to him, they are street vendors and without following the provisions of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act 2014, they have been harassed and their shops have been removed and false cases have been foisted against them. It is stated that they are doing business by putting platform shop without any hindrance to the public.

3. It is further stated that in spite of their representation dated 20.11.2014, they have forcibly been removed on 02.01.2015 without following the above said Act and their goods have been damaged. Therefore, they want an alternative place to run their business.

4. On instructions, learned Additional Government Pleader would contend that there was an enquiry conducted by the Inspector of Police and the petitioners 1 to 9 who were sent representations appeared before the authorities concerned and some of them have stated that the alleged representations which have been given to the authorities have not been signed by them. Further, they have admitted that so far they have not got any approval or licence from any of the authorities concerned and they have disowned their representations. Learned Additional Government Pleader has also produced the letters signed by the petitioners who are the alleged members of their association.

5. Admittedly, the writ petition cannot be entertained as it is filed by an association as per the decision of the Hon'ble Division Bench of this Court reported in **2005 Writ L.R 1 (The Perundurai Citizens Welfare Society Vs. The Tamil Nadu Pollution Control Board and others)**. Be that as it may, it is stated by the petitioner that their members are doing hawking business near Mattuthavani Bus Stand and their only grievance is that some of them have applied for necessary permission under the said Act and therefore, the same may be considered.

6. Though in normal circumstances, this Court will not entertain the very writ petition, taking into consideration the limited scope with the specific condition that none of the members of the petitioner association, shall henceforth conduct any business as they have already been removed on 02.01.2015 unless and until they get necessary and proper permission from the authorities concerned and only on such undertaking given by the petitioner association or their members to the authorities concerned, they may make fresh representation to the authorities seeking for their livelihood for an alternative place or any other accommodation as contemplated under the said Act provided they establish that they had earlier running business with necessary licence or approval. If any application is filed by the petitioner or the members of the petitioner's association, the District Collector shall consider the same in accordance with law.



7.The writ petition is accordingly disposed of. No costs.
Consequently, connected miscellaneous petition is closed.

SD/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

sms

To

1.The District Collector,
Madurai District,
Madurai.

2.The Commissioner of Police,
Madurai District,
Madurai.

3.The Commissioner of Corporation,
Madurai Corporation,
Corporation Office,
Madurai.

4.The Inspector of Police,
Anna Nagar Police Station,
Madurai.

+1cc to MR. R.Murali, Advocate SR NO.3838

+1cc to Special Government Pleader SR NO.3909

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28.01.2015

rg.13.02.2015

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