

In the High Court of Judicature at Madras

Dated : 08.1.2016

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.399 of 2016 and WMP.No.280 of 2016

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

...Petitioners

Vs

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

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records connected with the impugned order dated 29.10.2015 vide Na.Ka.No.3811/ 2015/F1 issued by the first respondent, quash the same and further direct the first

respondent to form a Town Vending Committee, Ward and Zone Vending Committees within his municipal jurisdiction as per the provisions of 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 a time frame as may be fixed by this Court.

For Petitioners : Mr.L.Chandrakumar for M/s.Law Square

For Respondent-1 : Mr.R.Ravichandran, AGP

For Respondents 2 to 8 : Mr.R.Rajeswaran, SGP

ORDER

Mr.R.Ravichandran, learned Additional Government Pleader takes notice for the first respondent. Mr.R.Rajeswaran, learned Special Government Pleader takes notice for respondents 2 to 8. Heard the learned counsel for the petitioners. By consent, the writ petition itself is taken up for final disposal.

2. The petitioners are street vendors, who are carrying on business within the limits of Tiruvavarur Municipality. The challenge in this writ petition is to a show cause notice dated 29.10.2015. The petitioners are not averse to submit their reply. But, their request is that the respondents should not evict them and that the respondents should permit the petitioners to shift to the area identified so as to enable the petitioners to carry on business activities.

3. The learned Additional Government Pleader, on instructions from the first respondent, has produced photographs to show the proposed area, in which, the shops are to be located and submits that unless and until the petitioners vacate, the question of considering them for allocation of a particular shop would not arise.

4. From the photographs, it is seen that the petitioners are carrying on vending in streets by erecting temporary structure and some of them are carrying on business in pushcarts. Since the impugned proceedings is only a show cause notice, this Court is not inclined to quash the same.

5. However, there will be a direction to the petitioners to submit their objections within a period of 15 days from the date of receipt of a copy of this order. On the objections being submitted, the first respondent or the Competent Authority shall consider the same, call upon the petitioners to appear before him and work out a solution to the issue, so that the interests of the street vendors are also protected and at the same time, the project, as envisaged by the Municipality, is also implemented. Till final orders are passed by the first respondent on the

objections to be raised by the petitioners, they shall not be evicted from the area in question.

6. In the course of arguments, the learned counsel for the petitioners submits that the petitioners are willing to shift to any alternate site.

7. This aspect shall also be examined by the first respondent while considering the objections of the petitioners.

8. The writ petition is disposed of in the above terms. No costs. Consequently, the above MP is closed.

Sd/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

To

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

1 cc to M/s. Law aquare, Advocate, Sr. 1668

1 cc to Government Pleader, Sr. 1792

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GJ (CO)

kk 2/2