



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 02.12.2016

CORAM

THE HONOURABLE DR.JUSTICE S.VIMALA
W.P(MD)No23170 of 2016

WEB COPY

G.Thannasi

... Petitioner

vs.

1.The District Collector,
Collectorate, Dindigul District.

2.The Commissioner,
Kodaikanal Municipality,
Kodaikanal,
Dindigul District.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the Respondents to permit the petitioner to carry on their street vending business in Lake Road, Kalaiararam, Kodaikanal Taluk, Dindigul District or any other place of equal or similar nature and importance and pass orders within the time frame stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

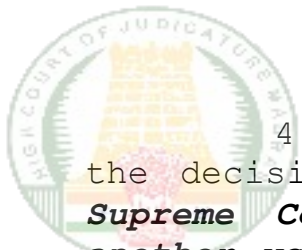
For Respondents : Mr.T.S.Mohammed Mohideen
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking a direction to the respondents to permit the petitioner and others to carry on their street vending business in Lake Road, Kalaiararam, Kodaikanal Taluk, Dindigul District.

2.Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents. By consent, the writ petition is taken up for final disposal at the stage of admission.

3.The petitioner and others are doing street vending business in Lake Road, Kalaiararam, Kodaikanal Taluk, Dindigul District.. They approached the first respondent in person and requested not to evict them from doing business. But, on 16.11.2016, the second respondent has evicted the petitioner and others and taken away the goods and other items in the shop. Hence, the petitioner has given representations dated 15.11.2016 and 19.11.2016 to the respondents. As the same are not considered, this writ petition has been filed.



4.The learned counsel for the petitioner has relied upon the decision of the Hon'ble Supreme Court reported in **(2014) 1 Supreme Court Cases 490 [Maharashtra Ekta Kawkers Union and another vs. Municipal Corporation, Greater Mumbai and others]** and contended that the representations of the petitioner may be ordered to be considered in the light of the abovesaid Judgment.

5.The learned Additional Government Pleader would submit that it is agreeable for the second respondent to consider the representations of the petitioner and to pass orders.

6.In view of the submissions made on either side, this writ petition is disposed of directing the second respondent to consider the representations of the petitioner dated 15.11.2016 and 19.11.2016 in the light of the decision reported in **(2014) 1 Supreme Court Cases 490** (cited supra) and to pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, WMP(MD)Nos.16638 & 16639 of 2016 are closed.

Sd/-

Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

To

- 1.The District Collector,
Collectorate, Dindigul District.
- 2.The Commissioner,
Kodaikanal Municipality,
Kodaikanal, Dindigul District.

+1 cc to MR.T.LAJAPATHI ROY, ADVOCATE, SR NO: 79415

+1 cc to MR.T.S.MOHAMED MOHIDHEEN, ADVOCATE, SR NO: 78627

+1cc to M/S.THE SPECIAL GOVERNMENT PLEADER, SR NO: 79466

mj

sva/mr/vb/31.01.2017/2p/6c

W.P(MD)No.23170 of 2016
02.12.2016