



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR

and

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.7059 of 2016

and

WMP (M) No.6007 of 2016

Dindigul Mavatta AITUC Pothu
Thozhilalargal Sangam,
Palani Branch Rep. by the President
M.Arumugam.

.. Petitioner

Vs.

1.The District Collector,
Collectorate, Dindigul District.

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

3.Arulmigu Thandauthapani swami Thirukovil,
Rep. by the Executive Officer,
Palani, Dindigul District.

.. Respondents

Prayer: The Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to prepare a plan for the vocation of Street Vendors in Palani who are the members of the petitioners Association in Giri Veethi Palanimurugan Temple foothill Dindigul District within a stipulated time.

For Petitioner : Mr.J.Ravichandran for Mr.T.Lajapathi Roy
For R1 & R2 : Mr.VR.Shamuganathan
Special Government Pleader
For R3 : Mr.K.Govindarajan

ORDER

(Order of this Court was made by S.MANIKUMAR, J.)

Dindigul District Mavatta AITUC Pothu Thozhilalargal Sangam, has sought for a Mandamus directing the respondents to prepare a plan for the vocation of Street Vendors in Palani, who are the members of the petitioners Association in Giri Veethi', Palanimurugan Temple foothill, Dindigul District, within a stipulated time.



2. Supporting the relief sought for, the petitioner claiming himself to be President of AITUC Pothu Thozhilalargal Sangam, has enclosed a copy of the representation at page No.77 of the typed set of papers, which is admittedly given by the Dindigul District Road Side Vendors, and functioning at Door No.88A, Mengles Road, Dindigul - 624 003.

3. Perusal of the Registration Certificate of the AITUC shows that their registered office is at Door No.92, Mengles Road, Dindigul-3 and not located at Door No.88A, Mengles Road, Dindigul - 624 003, as averred in the supporting affidavit to the writ petition.

4. Taking note of the above fact that a representation has been made by the vendors association, stated to be located at Door No.88A, Mengles Road, Dindigul - 624 003, present writ petition has been filed by the President of AITUC Sangam and we cannot appreciate the conduct of the petitioner, in trying to make use of the representation sent by another Sangam and make averments that as if AITUC has represented to ventilate the grievances of Dindigul District Road Side Vendors.

5. On the merits of the writ petition, though attention of this Court was invited to the Judgment of the Hon'ble Supreme Court in Civil Appeal Nos.4156-4157 of 2002 etc. batch, dated 09.09.2013 and Rule 3 of the Tamil Nadu Stree Vendors (Protection of Livelihood And Regulation Of Street Vending) Scheme And Rules, 2015, and the petitioner has prayed for a direction, as stated supra, Mr.VR.Shanmuganathan, learned Special Government Pleader appearing for R1 and R2, submitted that the writ petition filed at this point of time is pre-mature, for the reason that 6 months period as provided for, in Rule 3 of the above said Schemes and Rules, has not expired, since the date of notification of the scheme, as per G.O.Ms.No.159, dated 02.11.2015. He further submitted that the Town vending Committees have been constituted.

6. Heard the learned counsel for the parties and perused the materials available on record.

7. On the conduct of the writ petitioner in trying to utilise the representation submitted by Dindigul District Road Side Vendors, we are inclined to dismiss the writ petition. That apart the Government have issued G.O.Ms.No.159, dated 02.11.2015, by which, Tamil Nadu Stree Vendors (Protection of Livelihood And Regulation Of Street Vending) Scheme And Rules, 2015, have been framed. Rules 3 and 4 of the above said Scheme and Rules, read as follows:-

<https://hcservices.ecourts.gov.in/hcservices> **3. Survey of Street Vendors:-** (1) The survey of street vendors shall be done in-situ for the existing vendors only and no survey shall be carried out by



calling for particulars from the vendors by announcements.

(2) The survey of street vendors shall be carried out by the Town Vending Committee and completed within a period of six months from the date on which the Scheme is notified.

(3) The respective Town Vending Committee shall, with the assistance of the staff placed at its disposal by the concerned local authority, carry out the survey. For this purpose, the Executive Authority of the local authority, shall depute its staff to assist the said committee.

(4) The survey team shall proceed to enumerate the street vendors in a vending zone and shall record the details in Form-I.

(5) Only those of the vendors who are found to be actually carrying on business in the streets shall be entitled to be enumerated.

4. Certificate of Vending:- (1) The Town Vending Committee shall within a period of sixty days from the date of completion of survey of street vendors in a Ward or Zone of a local authority, issue the Certificate of Vending to each street vendor identified in the survey. The Certificate of Vending shall be issued by the Town Vending Committee concerned in Form-II.

(2) A person who wish to carry on street vending during the intervening period of two surveys may make an application to the Town Vending Committee in Form III which shall be disposed of by the Town Vending Committee within a period of sixty days from the date of its receipt."

8. In the light of the submission of the learned Special Government Pleader that Town Vending Committees have been constituted by the Government and six months provided therefor, under Rule 3 of the above said Rules, has not been expired, we cannot issue any direction, at this juncture. As rightly submitted, the writ petition is pre-mature.

9. For the reasons stated supra, we are not inclined to issue any Mandamus as prayed for. Accordingly, the writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar (CS-II)



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To

1.The District Collector,
Collectorate, Dindigul District.

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

3.The Executive Officer,
Arulmigu Thandauthapani swami Thirukovil,
Palani, Dindigul District.

+1cc to Spl.Government Pleader Sr.No.21073

+1cc to Mr.T.Lajapathi Roy, Advocate Sr.No.20668

+1cc to Mr.K.Govindarajan, Advocate Sr.No.20798

rj2

AA/SKS-RR/29.04.2016/4P-7C/

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