



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date: 22.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.4667 of 2014

and

M.P (MD) .Nos.1 & 2 of 2014

K.Balasubramanian

.. Petitioner/Petitioner/
Petitioner

Vs.

1. The District Collector,
Dindigul District,
Dindigul.

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

..Respondents/Respondents/
Respondents.

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Ceriorified Mandamus, calling for records relating to the impugned order made by the 2nd respondent in his proceeding in Na.Ka.No.4099/2013/A1 dated 06.01.2014 and quash the same as illegal and consequently forebear the respondents from in any way interfering with the petitioner's right to run a temporary shop in the vacant land behind Hotel Arthi in V.O.C Municipal Bus Stand, Palani, Dindigul District.

For Appellant : Mr.M.Mahaboobathiff for
M/s. Ajmal Associates
For R1 : Mr.M.Govindan
Special Government Pleader
For R2 : MR.G.Arjunan

JUDGMENT

[Judgment of the Court was made by **G.R.SWAMINATHAN, J.**]

The Writ petitioner questions the proceedings dated 06.01.2014 issued by the second respondent herein. The second respondent, by the impugned order, informed the Writ petitioner that he could not be permitted to run his shop in a vacant site in Palani Bus Stand for which licence was earlier granted.

2.The Writ petitioner would contend that the fundamental right guaranteed under Article 19(1)(g) and 21 of Constitution of India has been infringed. He would also invoke the provisions of



the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act .

3. In response to the said contention, the second respondent Municipality has filed its counter affidavit pointing out that when the shop was originally allotted to the Writ petitioner, a condition was imposed that he should not indulge in encroaching upon the nearby areas. But the Writ petitioner did not comply with the said condition. The acts committed by the Writ petitioner caused traffic congestion and also inconvenience to the devotees and other tourists coming to Palani, which is a famous pilgrimage place. Therefore, in view of the violation of the licence condition committed by the Writ petitioner, the Municipality decided not to permit him to continue the said shop in the said site.

4. Admittedly, the Writ petitioner has no right to insist that the Municipality should give its place on lease or license in his favour. Therefore, when the Municipality has taken a decision not to give to him in view of his past conduct, this Court does not find any reason to interfere with the same.

5. There is no merit in this writ petition and it stands dismissed. No costs. Consequently, the connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-II)

/True copy/

Sub Assistant Registrar

To

1. The District Collector,
Dindigul District,
Dindigul.

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

+1cc to Mr. G. Arjunan, Advocate SR.No.73982

+1cc to M/s. Ajmal Associates Sr.No.74011

MSA

VB/SV/MMS/SAR4/22.09.2017/2P/5C

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