



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) Nos.10651, 3699 of 2017,
and
W.P. (MD) .Nos.3294, 4851, 4852
&
10761 of 2015,
and
M.P. (MD) .Nos.1, 2, 3 of 2015
and
W.M.P (MD) .Nos.8133, 14971 of 2016 & 2970, 10921,
10923, 10924, 10925 of 2017

In W.P. (MD) Nos.10651

S.Sidtharthan

.. Petitioner

Vs.

1.The Commissioner,
Kadayanallur Municipality,
Kadayanallur 627751.
Tirunelveli District.

2.The Inspector of Police,
Kadayanallur Police Station,
Kadayanallur,
Tirunelveli District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in Na.Ka.No.1161/2017 F.1, dated 4.2017 and to quash the same and consequently directing the respondents to remove the encroachments permanently in Ward Nos.17 & 18, Muppudathiamman Temple Sannathi Street (சென்னை), Government Girls Higher Secondary School North and South Street in Kadayanallur, Tenkasi Taluk, Tirunelveli, consequently to ensure the husslefree movements of the passerby in said streets and for such other reliefs.

For Petitioner
<https://hcservices.ecourts.gov.in/hcservices/>
For Respondents

: Mr.A.Haja Mohideen
: Mr.M.Govindan
Special Government Pleader



In W.P(MD)No.3699 of 2017

C.J.Mariyappan

.. Petitioner

Vs.

1.The Revenue Divisional Officer,
Thenkasi,
Tirunelveli District.

2.The Commissioner,
Kadayanallur Municipality,
Kadayanallur- 627751.
Tirunelveli District.

2.The Deputy Superintendent of Police,
Puliyangudi,
Tirunelveli District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents from removing the road side shops at Sannadhi Street, Kadaiyanallur and further direct the respondents to give proper license in terms of Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014.

For Petitioner	: Mr.R.Murali
For R1 & R3	: Mr.M.Govindan
	Special Government Pleader

In W.P(MD)No.3294 of 2015

1.Shanmugavel
2.A.Poomariappan
3.A.Mariappan
4.V.Rajendran
5.Syed Magdoom
6.Ramasamy
7.S.Sivasubramanian
8.J.Mariappan
9.C.Subramanian

.. Petitioners

Vs.

The Commissioner,
Kadayanallur Municipality,
Kadayanallur- 627751.
Tirunelveli District.

.. Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondent from removing the petitioners shops at Sannadhi Street, Kadaiyanallur without providing alternative place for business.

https://hcservices.ecourts.gov.in/hcservices/	For Petitioner	: Mr.R.Murali
	For Respondent	: Mr.P.Srinivas



In W.P(MD)No.4851 of 2015

Mohamed Kani

.. Petitioner

Vs.

The Commissioner,
Kadayanallur Municipality,
Kadayanallur
Tirunelveli District.

.. Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondent from removing the petitioner shop at Sannadhi Street, Kadaiyanallur without providing alternative place for business.

For Petitioner : Mr.R.Murali
For Respondent : Mr.P.Srinivas

In W.P(MD)No.4852 of 2015

Syed Magdoo

.. Petitioner

Vs.

The Commissioner,
Kadayanallur Municipality,
Kadayanallur
Tirunelveli District.

.. Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondent from removing the petitioner shop at Sannadhi Street, Kadaiyanallur without providing alternative place for business.

For Petitioner : Mr.R.Murali
For Respondent : Mr.P.Srinivas

In W.P(MD)No.10761 of 2015

1.K.Govindan
2.Muthiah Chettiar
3.Bramanayagam
4.Paramasivan
5.Seetharaman
6.Sivasubramaniam

.. Petitioners

Vs.

The Commissioner,
Kadayanallur Municipality,
Kadayanallur
Tirunelveli District.

.. Respondent



removing the petitioners shops at Sannadhi Street, Kadaiyanallur without providing alternative place for business.

For Petitioners : Mr.R.Murali
For Respondent : Mr.P.Srinivas

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C O M M O N O R D E R

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

The writ petitioner in W.P(MD).No.10651 of 2017 seeks removal of the encroachment in Muppidadhi Amman Temple Sannathi Street. The writ petitioners in the other writ petitions seek to restrain the authorities from removing the road side shops in the said street.

2.This Court heard the learned counsel for the contending parties and also the counsel appearing for the Commissioner, Kadaiyanallur Municipality.

3.The Municipality Commissioner filed a common counter and also the report dated 21.08.2017. In the said report the Municipal Commissioner has stated that he is taking every possible step to fulfil the mandate set out in Tamil Nadu Street vendors (Protection of Livelihood and Regulation of Street Vending) Rules 2015 and the Tamil Nadu Street Vendor (Protection of Livelihood, Regulation of Street Vending and Licensing) Scheme 2015.

4.It is stated that the authorities have identified the street vendors and the verification process has also been completed. Now the writ petitioners before this Court are also being included and steps are being taken to issue Bio-Matric card to the said 17 persons. The composition of committee of street vendors is also over. After the process of issuing Bio-Matric card to all the Members is completed, vending and non-vending zones will be identified. Thereafter, appropriate arrangement would be made in favour of the identified street vendors.

5.This Court directs the Commissioner, Kadaiyanallur Municipality to complete the entire process within four months from the date of receipt of a copy of this order. It shall be the duty of the Municipal Authorities to ensure that there shall not be any further encroachment. Once the zones are properly identified and earmarked, the same shall be properly maintained as such.

6.These writ petitions are accordingly disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

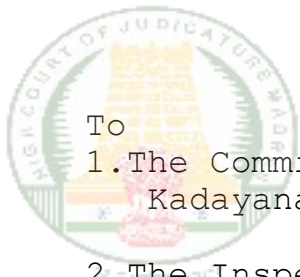
Sd/-

Assistant Registrar (CS-III)

/True Copy/

<https://hcservices.ecourts.gov.in/hcservices/>

Sub Assistant Registrar.



To

1.The Commissioner, Kadayanallur Municipality,
Kadayanallur 627751, Tirunelveli District.

2.The Inspector of Police, Kadayanallur Police Station,
Kadayanallur, Tirunelveli District.

3.The Revenue Divisional Officer, Thenkasi.
Tirunelveli District.

4.The Deputy Superintendent of Police, Puliyangudi,
Tirunelveli District.

+1CC to Mr.A.Haja Mohideen, Advocate, SR.No. 73679

+1CC to Mr.R.Murali, Advocate, SR.No. 73528

+1CC to Mr.P.Srinivas, Advocate, SR.No. 74165

ORDER MADE IN
W.P. (MD) Nos.10651, 3699 of 2017,
and
W.P. (MD) .Nos.3294, 4851, 4852
&
10761 of 2015,
21.08.2017

SSS

AM/KK/SAR 1/29.11.2017/5P/8C