



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 21.09.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

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W.P(MD) Nos.11030 and 13839 of 2017 and

W.M.P.(MD) Nos.8449, 8450, 10806 & 11778 of 2017

W.P(MD) No.11030 of 2017

N.Jeyanthi Nantha Singh

... Petitioner

-vs-

1. The Commissioner,
Madurai Corporation,
Aringar Anna Maligai,
Madurai.

2. The Commissioner of Police,
Madurai City, Madurai.

3. The Assistant Commissioner of Police,
City Arm Force,
Tallakulam Traffic Wing,
Madurai City, Madurai.

4. The District Collector,
Madurai District,
Madurai.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order in mava3/000624/17 dated 08.06.2017 passed by the 1st respondent, quash the same as illegal and till final decision is taken thereon forbearing the respondents and their subordinates in any manner evicting or disturbing the petitioner's union members / street vendors in Ponmeni Friday Weekly market.

For Petitioner	:	Mr.A.Mu.Sharavanan
For R1	:	Mr.R.Murali
For R2 to R4	:	Mr.J.Gunaseelan Muthiah
		Govt. Advocate

W.P(MD) No.13839 of 2017

1. D.Muthupandi
2. A.Poul
3. Sakunthala
4. Raja
5. Maheshwari

... Petitioners

-vs-

1. The Commissioner,
Madurai Corporation,
Madurai.



2. The Commissioner of Police,
Madurai City, Madurai.

3. The Inspector of Police,
S.S.Colony Police Station,
Madurai.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents and their subordinates in any manner evicting or disturbing or preventing the Street vending activities of the petitioners through conducting Friday Weekly Market from 03.00pm to 08.00pm at By Pass Road, Ponmeni, Madurai.

For Petitioners : Mr.C.Murugavel
For R1 : Mr.R.Murali
For R2 & R3 : Mr.J.Gunaseelan Muthiah
Govt. Advocate

C O M M O N O R D E R

The issue involved in these two writ petitions is one and the same and therefore, they are taken up together for final disposal. For the sake of brevity, the facts are being taken up from W.P.(MD) No.11030 of 2017, in which, the petitioner seeks to quash the impugned order dated 08.06.2017 passed by the 1st respondent in mava3/000624/17, declaring the Ponmeni area as a non-vending zone and the petitioner also sought to forbear the respondents and their subordinates in any manner evicting or disturbing the petitioner's union members / street vendors in Ponmeni Friday Weekly market.

2. The case of the petitioner in W.P.(MD) No.11030 of 2017 is that the petitioner, who is a District General Secretary of Madurai Mavatta AITUC Uzhaikkum Mahazhir Sangam and others were conducting business at Ponmeni Bye-Pass Road, Madurai in the Friday Weekly Market and the said market is being formed only on Fridays for the past 22 years. It is the further case of the petitioner that the petitioner and other members of the Sangam are protected under the Street Vendors (Protection of Livelihood and Regulation of Street Vending Act, 2014 and the respondents have been causing hindrance to the street vendors frequently. Above all, the 1st respondent has also passed the impugned order, thereby declaring the said area to be a non vending zone and depriving the livelihood of the street vendors. Aggrieved by the action of the respondents, the petitioners are before this Court.

3. This Court, in order to give quietus to the issue and ascertain the actual position, had appointed two Advocate Commissioners on 10.08.2017, who have filed a joint report dated 29.08.2017 before this Court, wherein it is *inter alia* stated as follows:

"6. It is seen that the service road is free for



transport till 17.30 Hrs on Market day, after that the road is completely choked by the purchasers, only pedestrians and two wheelers can commute in the market stretch till the end of market. It will be difficult for the four wheelers to ply during peak hours of market in the service road.

7. Further it is seen that there are four barricades laid on the western side of the Main Road market stretch, two barricades at the starting point of the Market and another two barricades are in the middle of the market. Therefore causing more hindrance to the traffic flow and artificially creating congestion to the flow of traffic. Likewise, two barricades are laid on the eastern side of the main road in the market stretch.

8. It is observed that the Friday market is not causing much hindrance to the traffic flow in the Palaganatham - Kalavasal Main Road, but it creates congestion in the parking area and in service road. From our opinion, the occurrence of untoward incident is very minimal."

4. The learned Standing Counsel appearing for Madurai Corporation would submit that a Committee to sort out the grievances of the Street Vendors had already been constituted and the petitioners may approach the said Committee for redressal of their grievances.

5. At this juncture, the learned counsel for the petitioners would contend that the petitioners are prepared to appear before the Committee on the date so fixed by this Court.

6. In view of the above submissions and as agreed by both the parties, the petitioners are directed to appear before the Town Vending Committee constituted by the respondent Corporation on 05.10.2017 and place all their submissions along with necessary documentary evidences and on receipt of the same, the same shall be considered and appropriate orders passed by the Committee on merits and in accordance with the relevant provisions of law, as expeditiously as possible. Till such time, no coercive steps shall be taken against the petitioners and status quo to be maintained by the respondents.

7. With the above direction, these petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(P&A)



To:

1. The Commissioner,
Madurai Corporation,
Aringar Anna Maligai,
Madurai.

WEB COPY

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4. The District Collector,
Madurai District,
Madurai.

5. The Inspector of Police,
S.S.Colony Police Station,
Madurai.

+1cc to M/S.Special Government Pleader,SR. 81049

+1cc to Mr.A.MU.SHARAVANAN,Advocate,SR. 80150

+1cc to Mr.R.MURALI,Advocate,SR.80477

+1cc to Mr.C.MURUGAVEL,Advocate,SR. 80524

W.P(MD) Nos.11030 and 13839 of 2017
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