



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.07.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. (MD) No.259 of 2017

G.Manimegalai

... Petitioner

Vs.

1. The District Collector,
Sivagangai District,
Sivagangai.

2. The Commissioner,
Sivagangai Municipality,
Sivagangai,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pay compensation to petitioner for the illegal demolition of petitioner's stall and damaging of the articles used for petitioner's day to day business in petitioner's shop at Sivagangai Manamadurai Road, Sivagangai, by considering petitioner's representation dated 09.11.2016.

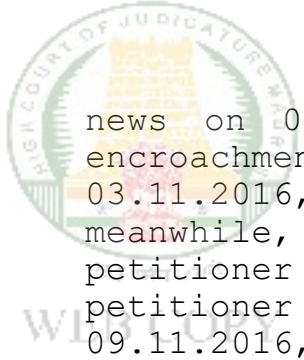
For Petitioner : Mr.A.Haja Mohideen

For Respondents : Mr.M.Alagathevan,
Special Government Pleader for R.1
Mr.R.Srinivas, for R.2

ORDER

This writ petition has been filed by the petitioner to issue a Writ of Mandamus, directing the respondents to consider her representation dated 09.11.2016, to pay compensation to her for the illegal demolition of the stall and articles in her shop at Sivagangai Manamadurai Road, Sivagangai.

2. According to the petitioner, she was engaged in the business of selling idli and food articles in a road side stall situated at Sivagangai - Manamadurai Road, near Government Hospital, Sivagangai, after getting due permission from the second respondent. While so, the grievance of the petitioner is that the second respondent, without following G.O.No.8, Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 and G.O.No.230, Tamil Nadu Street Vendors (Protection of livelihood and Regulation of Street Vending) Scheme and Rules, 2015, published a



news on 02.11.2016, stating that they are going to remove the encroachments in the road side and pursuant to the same, on 03.11.2016, the said stall of the petitioner was demolished. In the meanwhile, W.P.(MD)No.21243 of 2016 came to be filed by the petitioner and the same was dismissed as withdrawn. Thereafter, the petitioner submitted a representation before the respondents dated 09.11.2016, for permitting to continue the stall. As the same has not been considered so far, the petitioner is before this Court, with the aforesaid prayer.

3. Heard the learned counsel appearing for the petitioner, the learned Special Government Pleader appearing for the first respondent as well the learned counsel appearing for the second respondent.

4. Though the prayer of the petitioner is for a larger relief, now the learned Counsel for the petitioner confines his prayer to the effect that the representation of the petitioner dated 09.11.2016, shall be disposed of by the respondents as per law.

5. Considering the limited scope of the relief sought for, this Court, without going into the merits of the petitioner's claim, directs the respondents to consider the representation of the petitioner dated 09.11.2016 and pass appropriate orders on its own merit and in accordance with law, after affording due opportunity of hearing to the petitioner, within a period of six weeks from the date of receipt of a copy of this order.

6. The writ petition is disposed of as above. No costs.

Sd/-
Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Sivagangai District, Sivagangai.
2. The Commissioner,
Sivagangai Municipality,
Sivagangai, Sivagangai District.

+ 1 CC TO Mr.A.HAJA MOHIDEEN, ADVOCATE IN SR No. 68876
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 69710

GK

TE/SKN-RSK/SAR-IV : 10/08/2017 : 2P/5C

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

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