



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 01.08.2017

CORAM :

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

W.P(MD)No.9132 of 2017

and

W.M.P(MD)Nos.6952 & 6953 of 2017

K.Palanisamy

... Petitioner

Vs.

1.The District Collector,
Trichirapalli District,
Trichirapalli.

2.The Commissioner,
Corporation of Trichirapalli,
Trichirapalli.

3.The Returning Officer Cum Assistant Commissioner,
Trichirapalli Corporation,
Trichirapalli.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned Election Notification dated 24.04.2017 issued by the third respondent and quash the same as illegal and consequently direct the third respondent to issue fresh election notification for conducting Town Vending Committee Election after issuing Identity Cards to the entire Street Vendors in Tiruchirapalli Corporation as per the Tamil Nadu Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme Rules, 2015.

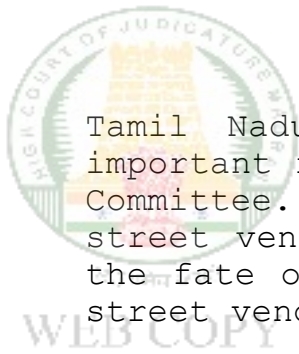
For Petitioner : Mr.R.Karunanidhi

For Respondents : Mr.M.Govindan, Spl.Govt.Pleader for R1
Mr.N.S.Karthikeyan for R2 & R3.

O R D E R

(Order of the Court was made by G.R.SWAMINATHAN, J.)

This writ petition has been filed on behalf of the street vendors in Trichy City to protect the rights of the street vendors.



Tamil Nadu Government has also issued Rules thereunder. An important feature of the Statute is the Constitution of Town Vending Committee. The said Committee must have 40% representation from the street vendors themselves. After all, the Committee would decide the fate of the street vendors and it is only appropriate that the street vendors are substantially represented in the said Committee.

3.The Returning Officer / third respondent herein had issued the election notification dated 24.04.2017 for conducting election to elect 6 persons from among the street vendors for the purpose of appointing them as members in the Town Vending committee. But no proper survey was conducted to identify the street vendors. Without preparing a proper list of street vendors in Trichy City, the election notification had been hurriedly issued. Therefore, the present writ petition has been filed questioning the impugned election notification dated 24.04.2017.

4.When the writ petition was taken up for hearing, the learned Standing Counsel for Trichy Corporation fairly stated that the impugned notification shall be withdrawn.

5.This submission is placed on record. Therefore there is no need to adjudicate on the validity of the impugned election notification dated 24.04.2017 issued by the third respondent. It is directed that a fresh election notification for Town Vending Committee election would be issued only after a proper survey of the entire street vendors in Trichy City limit is carried out. A comprehensive list of the street vendors shall be prepared. It must be made available for public scrutiny. Only then, objections can be raised with regard to the omissions or inclusions. A direction is therefore issued to the respondents 2 and 3 to prepare a comprehensive list of street vendors. The said list would be finalised after publishing a tentative list. The tentative list can be made available for public scrutiny in the office of the third respondent.

6.The respondents 2 and 3 are directed to follow the procedure set out in Tamil Nadu Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme and Rules, 2015 in the matter of preparation of the list of street vendors after conducting a proper survey and thereafter issue fresh election notification for conducting Town Vending Committee. The entire exercise shall be completed as expeditiously as possible.

7.The writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/



To

1.The District Collector,
Trichirapalli District,
Trichirapalli.

2.The Commissioner,
Corporation of Trichirapalli,
Trichirapalli.

3.The Returning Officer Cum Assistant Commissioner,
Trichirapalli Corporation,
Trichirapalli.

+1cc to Mr.N.S.KARTHIKEYAN Advocate in SR. No.69166

+1cc to Mr.R.KARUNANIDHI Advocate in SR. No.69498

SKM/ARUL

JS/SKN.RSK/SAR.2/23.08.2017/3P-6C

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and

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