

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 09.10.2018

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

W.P. 22584 of 2018

D.Devaki

... Petitioner

-Versus-

1.The District Collector,
Office of the Collectorate,
Thiruvallur District.

2.Block Development Officer/Special Officer,
Poonamallee,
Thiruvallur District.

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 2nd respondent not to disturb petitioner for carrying on weekly once business i.e. Every Thursday at near Sai Baba Temple, Sai Baba Nagar, Gopurasanallur, Kattupakkam, Chennai-56 and also directing the 2nd respondent to consider petitioner's representation dated 20.08.2018 in accordance with the provisions of Tamil Nadu Street (Protection of livelihood and regulation of street vending) Vendors Act, 2014.

For Petitioner : Mr.V.Manikandan

For Respondents : Mr.A.N.Thambidurai,
Special Government Pleader
for R1

: Mr.E.Neelakandan,
Addl. Government Pleader for
R2

ORDER

This writ petition has been filed seeking for a direction to the 2nd respondent Block Development Officer, Poonamallee from interfering with the petitioner carrying on street vending business near Sai Baba Temple, Sai Baba Nagar, Gopurusanallur, Kattupakkam, Chennai.

2. The grievance of the petitioner is that she is carrying on street vending business of selling some petty articles to the Sai Baba devotees on Thursday alone by putting up a temporary

structure and they are doing the business for a long time. Now, the 2nd respondent is preventing the petitioner from doing the business. It is submitted by the petitioner that she is doing the business on Thursday alone by putting a temporary structure and she is not doing any other business.

3. The learned counsel appearing for the 1st respondent, on instructions submitted that the petitioner now encroached the road margin and put up a permanent structure and selling petty articles at Sai Baba temple, which is causing hindrance to the public. However, the learned counsel appearing for the 2nd respondent submitted that since they are selling petty articles only on Thursday, they are willing to permit the petitioner to do the same only on Thursday alone that too by putting up a temporary structure.

4. Considering the fact that the 2nd respondent is willing to permit the petitioner to do the street vending business on Thursday alone, and hence, no further adjudication is required in the present Writ Petition. However, it is made clear that the petitioner is only permitted to do selling petty articles and other things only on Thursday without putting up any permanent structure in the road margin. If the petitioner violates the condition, it is always open to the 1st respondent to take appropriate action.

5. The learned counsel appearing for the petitioner submitted that the respondents have seized some materials belonging to the petitioner and the same may be directed to be returned. However, it was denied by the respondents. However, if the respondents have seized any materials from the petitioner, they are directed to return the same to the petitioner.

6. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

rpp

To

1.The District Collector,
Office of the Collectorate,
Thiruvallur District.

2. Block Development Officer/ Special Officer,
Poonamallee,
Thiruvallur District.

+1cc to the Government Pleader, S.R.No.70595

W.P. 22584 of 2018

VGI (CO)

rrs 07/12/2018



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