



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE V. BHARATHIDASAN

W.P. (MD) Nos. 1368 & 1372 of 2018

and

WMP (MD) Nos. 1452 & 1457 of 2018

R.Kala ... Petitioner in W.P. (MD) No. 1368 of 2018
D.Ramachandran ... Petitioner in W.P. (MD) No. 1372 of 2018

-Vs-

1. The District Collector,
Madurai District, Madurai.

2. The Commissioner,
Madurai Corporation,
Annamaaligai, Madurai.

3. The Commissioner of Police,
Madurai City,
Madurai District.

4. The Inspector of Police,
Annanagar Police Station,
Madurai.

... Respondents in both W.Ps.

Common Prayer: Writ Petitions are filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, forbearing the respondents 2 to 4 from anyway dispossessing the petitioner from doing flower and fruit vending business in Mattuthavani Bus Stand now called as MGR Bus Stand, Madurai in front of Northern Doom Portion without following any due process of law.

For Petitioners	: Mr.K.Sivabalan
For R1, R3 & R4	: Mrs.J.Padmavathi Devi,
(In both Writ Petitions)	Special Government Pleader.
For R2	: Mr.T.S.Mohammed Mohideen,
	In W.P. (MD) No. 1368 of 2018.
For R2	: Mr.N.Shanmugaselvam
	In W.P. (MD) No. 1372 of 2018.

COMMON ORDER

The Writ Petitions have been filed seeking direction to the respondents 2 to 4 from in anyway dispossessing the petitioners from doing flower and fruit vending business in front of Northern Doom Portion at Mattuthavani Bus Stand now called as MGR Bus Stand, Madurai, without following due process of law.



2. According to the petitioners, they are doing the business in the above said place for the past 10 years as they are also recognized as street vendors. Now, according to them, the respondents are taking steps to evict them from the said place.

3. The learned counsel appearing for the respondent Corporation submitted that the petitioners were permitted only to sell flowers by carrying the same on their head, and not permitted to put up any stall inside the bus stand obstructing the general public. He would further submit that already similar vendors have approached this Court by filing writ petitions and this Court, directing them not to do business in the entrance of the northern end portion of the MGR Bus Stand and the petitioners are also similarly placed persons and hence, the similar order may be passed.

4. Considering the facts and circumstances of the case and also considering the fact that the petitioners are only permitted to sell flowers in the bus stand by carrying the same on their head, they cannot put up any stalls inside the Bus Stand, and causing hindrance to the general public. Hence, the respondents are entitled to evict them for that the petitioners cannot have any grievance. If the petitioners are doing their flower vending business as permitted by the respondents, without making any hindrance to the general public, the respondents are directed to permit them to do their business.

5. With the above direction, these writ petitions are disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To

1. The District Collector,
Madurai District, Madurai.
2. The Commissioner of Police,
Madurai City, Madurai District.
3. The Inspector of Police,
Annanagar Police Station, Madurai.

+2CC TO M/S.K.SIVABALAN, ADVOCATE, SR NOS.44114,44115
+1CC TO M/S.T.S.MOHAMED MOHIDHEEN, ADVOCATE, SR NO.44113
+1CC TO M/S.N.SHANMUGA SELVAM, ADVOCATE, SR NO.44276
+1CC TO SPECIAL GOVERNMENT PLEADER, SR NOS.44664, 44358

W.P (MD) Nos.1368 & 1372 of 2018
24.01.2018