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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 05.03.2018

Coram

THE HON'BLE MR.JUSTICE **V.BHARATHIDASAN**

Writ Petition (MD)No.326 of 2018

and

W.M.P (MD) .No.339 of 2018

Yasin

.. Petitioner

-Vs-

1. The Commissioner,
Tirunelveli City Municipal Corporation,
Tirunelveli.

2. The Chairman,
Town Vending Committee,
Tirunelveli City, Tirunelveli.

3. The Assistant Commissioner of Police,
Tirunelveli Town,
Tirunelveli City.

4.The Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli City.

... Respondents

(R3 & R4 are impleaded vide Court order dated.05.02.2018 in W.M.P (MD) .No.935 of 2018)

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents not to disturb the petitioner's street vending business located at North Car Street, Tirunelveli City except due process of law.

For petitioner : Mr.T.Lenin Kumar

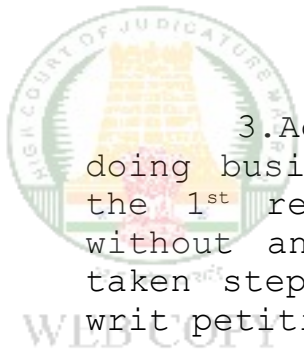
For Respondents : Mr.Aayiram K.Selvakumar

Additional Government Pleader

O R D E R

This Writ petition has been filed seeking a direction to the respondent Municipality Corporation not to disturb the petitioner's street vending business located at North Car Street, Tirunelveli City, except due process of law.

2.Heard Mr.T.Lenin Kumar, the learned counsel appearing for the petitioner and Mr.Aayiram K.Selvakumar, the learned Additional Government Pleader appearing for the respondents.



3. According to the petitioner, he is a street vendor and doing business in the North Car street, Tirunelveli City. Now, the 1st respondent without forming street vendor committee and without any notice, without considering the representation, has taken steps to evict the vendor from the premises. Hence this writ petition has been filed.

4. Earlier, notice was ordered to the respondents. Today, the learned Additional Government Pleader who appears for the respondents stated that already respondent corporation formed Street Vendor Committee, in which the members of the petitioner's Street Vendor's Association is also a member and they have identified 559 vendors, out of which 195 members are issued with Identity Card and for the remaining members it will be issued soon.

5. So far as, the North Car street is concerned, the committee has classified the street as non vending region and considering the representations of the street vendors, the Corporation decided to relocate the street vendors in a suitable place for their business. In this regard, communications were sent from the first and second respondents, dated 30.01.2018 and 01.03.2018 respectively. The copies of the same also produced before this Court.

6. Considering the fact that already the first respondent with the Street Vendor Committee has identified the street vendors including the petitioner and considering the fact that since the North Car Street is classified as non vending region the place where the petitioner is doing business, the respondent Corporation is taking steps to relocate the petitioner to some other place, the prayer sought for in the writ petition is not to be granted. Considering the fact that the respondents taking steps to relocate the petitioner, till the respondents identifying the alternative place and relocating the petitioner, the respondents are directed not to disturb the petitioner from doing business in the North Car Street. After identification of the alternative location, the petitioner should shift his business to the place allotted by the respondents.

7. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To

<https://hcvtirunelveli.org.in/> The Commissioner,

Tirunelveli City Municipal Corporation,
Tirunelveli.



2.The Chairman,
Town Vending Committee,
Tirunelveli City,
Tirunelveli.

3.The Assistant Commissioner of Police,
Tirunelveli Town,
Tirunelveli City.

4.The Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli City.

+1cc to Mr.T.Lenin Kumar ,Advocate SR.No.53080
+1cc to Mr.Aayiram K.Selvakumar, Advocate SR.No.53071

TM

VB/SV/MMS/SAR2/23.03.2018/3P/7C

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