



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

WP.(MD) No.4029 of 2018

and

W.M.P.(MD) No.4168 of 2018

- 1.Sakthivel
- 2.Govindan
- 3.Vasanthi
- 4.Mariyayee
- 5.Kanaga
- 6.Palaniammal
- 7.Mariyayee
- 8.Dhanam
- 9.Sarasu
- 10.Pattayee
- 11.Vijaya

... Petitioners

-vs-

The Executive Officer,
Kattuputhur Selection Grade Panchayat,
Kattuputhur,
Musiri Taluk,
Trichy District.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, call for the records of the respondent in connection with the impugned notice in Na.Ka.No.38/2018 dated 09/02/2018 and quash the same as of no legal consequence and consequently forbear the respondent from implementing the said notice and evict the petitioners from the property in S.F.No. 78/10 Ac.0.11 cents at Kattuputhur Village Musiri Taluk Trichy District until the provisions of The Street Vendors(Protection of Livelihood and Regulation of Street Vending) Act 2014 complied with by the respondent panchayat and they are provided with any alternative place for re-location with necessary certificate of vending under the provisions of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014.

For Petitioners : Mr.V.Singan
For Respondent : Mr.D.Muruganantham, AGP

O R D E R

(Order of the Court was made by **T.S.SIVAGNANAM, J.**)



2.The petitioners claim to be street vendors, who vend fruits and vegetables in Kattuputhur village, Musiri Taluk, Trichy District in a property comprised in S.F.No.78/10. The respondent has issued the impugned notice directing them to vacate the premises as the place has been earmarked for construction of a District Library. The petitioners would state that they are entitled to continue in the occupation of the very same area as they have no other place to carry on their vendee.

3.In our considered view, the petitioners have no vested right to carry on their vendee in S.F.No.78/10 as stated supra. Therefore, when the said land has already been earmarked for construction of a District Library, considering the importance of the library in any locality, we are of the view that the petitioners should definitely vacate and clear the place so that the work of construction of the District Library is immediately commenced. Furthermore, the land in question belongs to Library Inspection Committee and the petitioners are encroachers. The provisions of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, cannot come to the aid of the petitioners, because the petitioners are not hawkers. But they are occupying a particular land, which is owned by the Library Inspection Committee, where there is already an approval for construction of a library. Therefore, the petitioners have to definitely vacate from the said place.

4.Accordingly, the prayer sought for in the writ petition cannot be granted and the writ petition stands dismissed. However, considering the fact that the petitioners are traders in articles, which are required for day to day living, we direct the respondent to find suitable place or places within the panchayat limits, within a period of 15 days from the date of receipt of a copy of this order. Until then, these petitioners shall be permitted to carry on their trade business in the place in question. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

/True copy/

Sub Assistant Registrar

To
The Executive Officer,
Kattuputhur Selection Grade Panchayat,
Kattuputhur, Musiri Taluk,
Trichy District.
+1CC TO M/S.V.SINGAN, ADVOCATE, SR NO.51494

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