



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.10159 of 2018

and

W.M.P.(MD) No.9210 of 2018

M.Selvi

... Petitioner

vs.

1.The District Collector
Trichy District

2.The Executive Officer
Lalkudi Town Panchayat
Lalkudi, Trichy District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second respondent based on the petitioner's representation, dated 10.02.2018 to recognize the existing right of the petitioner for doing street vending vegetable business in the opposite to Panakkarapillayar Kovil, Koolidam Road, Lalkudi, Trichy District and regulate to conduct street vending business allotting a minimum extent of land in accordance with law.

For Petitioner : Mr.S.Vanchinathan

For Respondents : Mr.N.Shanmugaselvam

Additional Government Pleader for R1
Mr.M.Rajarajan for R2

O R D E R

Mr.N.Shanmugaselvam, learned Additional Government Pleader, takes notice for the first respondent and Mr.Rajarajan, learned counsel, takes notice for the second respondent.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. It is the grievance of the petitioner that her representation dated 10.02.2018 seeking to recognize her existing right for doing street vending vegetable business opposite to Panakkarapillayar Kovil, Koolidam Road, Lalkudi, Trichy District



and to regulate the street vending business by allotting minimum extent of land in accordance with law, has not been considered by the respondents till date and therefore, she has filed the present writ petition.

4. This Court has not expressed any of its view with regard to the merits of the representation made by the petitioner. It is needless to point out that whenever a representation of this nature is made, the respondents are duty bound to consider the same in one way or the other. Non-consideration of the same would amount to dereliction of ordinary duties of their office and as such, this Court would be justified in invoking its powers conferred under Article 226 of the Constitution of India to direct them to consider the petitioner's representation within a stipulated time.

5. In view of the limited prayer sought for in this writ petition, there shall be a direction to the second respondent to consider the petitioner's representation dated 10.02.2018 on its own merits and take further action in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. Such an exercise shall be done after giving due opportunity to the petitioner as well as to the persons who may be interested in the subject matter.

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

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

krk

To:

1 The District Collector, Trichy District.

2. The Executive Officer
Lalkudi Town Panchayat
Lalkudi, Trichy District

+1 CC TO Mr.S.VANCHINATHAN , Advocate, Sr.No. 64334

JAM/24/05/2018/ JC/SAR 3/ 2P-4C

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and

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