



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.05.2018

CORAM

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P(MD)No. 10714 of 2018

and W.M.P. (MD) No.9811 of 2018

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S.Natrayan

... Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Special Officer,
Poombarai Panchayat,
Kodaikanal Taluk,
Dindigul District.

3.The Executive Officer,
A/m.Kulanthai Velappar Temple,
Poombarai,
Kodaikanal Taluk,
Dindigul District.

4.The Deputy Superintendent of Police,
Kodaikanal,
Dindigul District.

5.The Inspector of Police,
Kodaikanal Police Station,
Dindigul District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus forbearing the respondents 2 to 5 herein from in any manner evicting the petitioner in the street side margin of the second respondent panchayat leading to third respondent temple in Poombarai, Kodaikanal Taluk, Dindigul District and consequently direct the first respondent to consider the representation of the petitioner dated 28.04.2018 in accordance with the Street Vendors (protection of livelihood and regulation) Act, 2014 within stipulated time fixed by this Court.



For R2

Special Government Pleader
: Mrs.S.Srimathy
Special Government Pleader

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O R D E R

The writ petition has been filed for issuance of a Writ of Mandamus forbearing the respondents 2 to 5 herein from in any manner evicting the petitioner from the street side margin of the second respondent panchayat leading to third respondent temple in Poombarai, Kodaikanal Taluk, Dindigul District and consequently direct the first respondent to consider the representation of the petitioner dated 28.04.2018 in accordance with the Street Vendors (protection of livelihood and regulation) Act, 2014 within stipulated time fixed by this Court.

2. The petitioner is a street vendor eking out his livelihood at the road margin. He is selling Garlic with the permission of the second respondent panchayat. All of a sudden the third respondent, with the aid of the fourth and fifth respondents, is forcing him to vacate the shop. They have also removed superstructures put up by the petitioner at the road margin. Complaining violation of principles of natural justice also the violation of Street Vendors (protection of livelihood and regulation) Act, 2014, the petitioner is before this Court.

3. According to Section 18(3) of Chapter - IV of the Street Vendors (protection of livelihood and regulation) Act, 2014, the respondents shall give notice to the street vendors before relocation. But the said procedure has been violated. The petitioner made a representation on 28.04.2018 to the first respondent. The first respondent has not considered the same. Hence, this writ petition.

4. Heard both sides.

5. Admittedly, the petitioner is a street vendor running the business at the road margin. The petitioner submitted that he is carrying his business for more than 11 years and eking out his livelihood only through that.

6. Considering the plight of the petitioner, a direction is issued to the first respondent to consider the representation of the petitioner dated 28.04.2018 and to pass order on the same within a period of four weeks from the date of receipt of a copy of this order. It is submitted by the learned counsel for the petitioner that the petitioner is doing business without hindrance to the public at large from using the road. In that event, the respondents should not take any coercive action till the disposal of the representation.



7. With the above direction, the writ petition is disposed of. No costs. Consequently, connected W.M.P.(MD) No.9811 of 2018 is closed.

Sd/

Assistant Registrar(RTI)

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/True copy/

Sub Assistant Registrar

To,

1.The District Collector,Dindigul District,
Dindigul.

2.The Special Officer,Poombarai Panchayat,
Kodaikanal Taluk,Dindigul District.

3.The Executive Officer,A/m.Kulanthai velappar Temple,Poombarai,
Kodaikanal Taluk,Dindigul District.

4.The Deputy Superintendent of Police,
Kodaikanal,Dindigul District.

5.The Inspector of Police,Kodaikanal Police Station,
Dindigul District.

+1cc to M/s.Special Government Pleader,SR.No. 65269

+1cc to Mr.V.S.KUMARAGURU, Advocate, SR.No. 65226

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CM

KK/JC/SAR-3/16.05.2018/3P-8C