



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 02.11.2018

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA
and

THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY
W.P. (MD) No.22375 of 2018

and

W.M.P. (MD) Nos.20272 and 20273 of 2018

1.T.Karthick
2.R.Annamalai
3.G.Banumathy
4.L.M.Rajavel
5.K.Krishnamoorthy
6.R.Murugesan
7.C.Palanisamy
8.P.Selvaraj
9.S.Arumugam
10.P.Saravanan
11.A.Maheswari
12.M.Maruthaiyappan
13.A.Sundaram

... Petitioners

Vs.

1.The Commissioner,
Tiruchirappalli Corporation,
Trichy.

2.The Assistant Commissioner,
Tiruchirappalli Corporation,
Trichy.

... Respondents

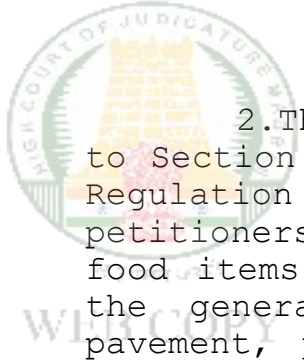
PRAYER: The writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari to call for the records relating to the proceedings of the impugned orders dated 26.10.2018 in Na.Ka.No.௮1/04721/2018 (௮௩௩) on the file of the second respondent insofar as the petitioners are concerned and quash the same.

For Petitioner : Mr.G.Prabhu Rajadurai
for M/s.T.Lajapathi Roy
For Respondents : Mr.N.S.Karthikeyan

ORDER

(Order of the Court was made by T.RAJA, J.)

This Writ Petition is directed against the impugned order dated 26.10.2018 in Na.Ka.No.௮1/04721/2018 (௮௩௩) calling upon the petitioners to vacate the shops in question within seven days time.



2.The learned Counsel appearing for the petitioners referring to Section 2(1) of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, submitted that the petitioners are all engaged in vending of articles, goods, wares, food items or merchandise of everyday use or offering services to the general public, in a street, lane, side walk, footpath, pavement, public park or any other public place or private area, from a temporary built up structure or by moving from place to place and includes hawker, peddler and squatter. Therefore, unless the Street Vending Committee is constituted as per Section 22 of the Act, the present notice cannot be issued against them.

3.Intervening at this stage, the learned Standing Counsel appearing for the respondent Corporation submitted that the petitioners cannot be brought under the definition of Section 2(1) as it is meant for only persons who are engaged in vending of articles, goods, wares, food items or merchandise of everyday use or offering services to the general public, in a street, lane, side walk, footpath, pavement, public park or any other public place or private area, from a temporary built up structure or by moving from place to place and includes hawker, peddler and squatter. But, in the present case, the photographs of the shops owned by the petitioners clearly show that they are not temporary structures and they are all permanently built up structures. Therefore, the question of forming the Town Vending Committee as per Section 22 will not arise. This apart, the petitioners are all directed to evict in view of the formation of the Smart City Scheme introduced by the Central Government. Further, the impugned notice clearly shows the item numbers given to the shops permanently occupied by the petitioners.

4.Considering the above submission, we direct the petitioners to give their explanations within a period of two weeks from the date of receipt of a copy of this order and on receipt of such explanations, the respondents shall consider the same on merits and in accordance with law. Till such time, the respondents shall not take any coercive steps.

5.With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar(CS-III)



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1.The Commissioner,
Tiruchirappalli Corporation,
Trichy.

2.The Assistant Commissioner,
Tiruchirappalli Corporation,
Trichy.

- 1 CC TO Mr.G.PRABHU RAJADURAI , ADVOCATE IN SR No. 94389.
-
- SRM
- DS PM SAR3 14 12 2018 3P 4C

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