



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 16.02.2018
CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P.(MD).No.23971 of 2017

Sheik Meeran

... Petitioner

Vs.

- 1.The District Collector,
Dindigul District, Dindigul.
- 2.The Superintendent of Police,
Dindigul District, Dindigul.
- 3.The Revenue Divisional Officer,
Palani Taluk, Palani,
Dindigul District.
- 4.The Commissioner,
Palani Municipality,
Palani, Dindigul District.
- 5.The Joint Commissioner,
Executive Officer,
Arulmigu Dhandauthapani Thirukkivil,
Palani, Dindigul District.
- 6.Chindrasu
- 7.Kathar
- 8.Ayyappan
- 9.Kali
- 10.Manikandan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the fifth respondent to remove the encroacher who have put up stall, infront of petitioner's shop and in the footpath near by petitioner's shop and causing hindrance to the devotee and public in general and petitioner in particular and to take appropriate action against the encroacher for their illegal act against the petitioner and to safe guard his life and his family members life and to restore the footpath to his shop.



For Petitioner	: Mr.G.Chandra Sekar
For Respondents 1 to 3	: Mr.V.R.Shanmuganathan Special Government Pleader
For Respondent No.4	: Mr.G.Arujunan
For Respondent No.5	: Mr.K.Govindarajan
For Respondents 6 to 10	: Mr.T.Lenin Kumar

ORDER

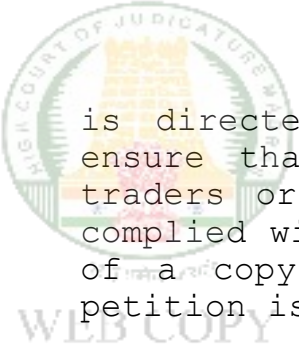
(Order of the Court was made by T.S. SIVAGNANAM, J.)

Heard Mr.G.Chandra Sekar, learned counsel appearing for the petitioner, Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the respondents 1 to 3, Mr.G.Arujunan, learned counsel appearing for the fourth respondent, Mr.K.Govindarajan, learned counsel appearing for the fifth respondent and Mr.T.Lenin Kumar, learned counsel appearing for the respondents 6 to 10.

2.The petitioner is the person, who is the owner of the shop and who has been selling various articles which are being purchased by devotees, who are visiting Palani. The private respondents are the persons who are the street vendors who have been granted licence by the Commissioner of Palani Municipality to vent the articles in the road margin.

3.The grievance of the petitioner is that right in front of the petitioner's shop, the street vendors erected their stall virtually blocking the access and thereby, affecting his business. Photographs produced in the type set of papers shows that not only shops erected just in front of the petitioner's shop but also the capin umbrella to the height of 6 feet has been erected probably in view to protect the articles which has been sold and it is virtually blocking the access to the petitioner's shop.

4.The intention of granting licence to the private respondents is to help them to eke their livelihood and not to cause nuisance by affecting the rights others who are also doing lawful business. The fourth respondent Palani Municipality has granted identity cards to the private respondents as street vendors and it is to be ensured that they vend the articles in distinct place and not allow them to vend articles anywhere they like. The municipality owe a statutory responsibility to the people of Palani and the people who visit the said town. The complaint given by the petitioner is very serious in nature and serious action should be taken by the Commissioner, Palani Municipality. The Executive Officer, Palani Thirukovil is also directed to ensure that the vendors do not cause hindrance to the persons who visit Palani to worship or other persons who visit the town. Therefore, we direct the Commissioner of Palani Municipality, Joint Commissioner/Executive Officer of Arulmigu Thirukovil, convene a meeting and decide upon the location where the street vending is permissible and shall take appropriate action in accordance with law. Pending such decision, the Commissioner of Palani Municipality



is directed to ensure and regulate the street vendors and also ensure that they do not cause any obstruction to the permanent traders or people of the locality. The above direction should be complied with within a period of two weeks from the date of receipt of a copy of this order. With the above direction, the writ petition is disposed of. No Costs.

Sd/-
Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

- 1.The District Collector,
Dindigul District, Dindigul.
- 2.The Superintendent of Police,
Dindigul District, Dindigul.
- 3.The Revenue Divisional Officer,
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Dindigul District.
- 4.The Commissioner,
Palani Municipality,
Palani, Dindigul District.
- 5.The Joint Commissioner,
Executive Officer,
Arulmigu Dhandauthapani Thirukkivil,
Palani, Dindigul District.

+1cc to M/S.T.Lenin Kumar, Advocate SR.No. 49410
+1cc to M/S.K.Govindarajan, Advocate SR.No. 49415
+1cc to M/S.G.Chandra Sekar, Advocate SR.No. 49435
+1cc to M/S.G.Arjunan, Advocate SR.No. 49707

W.P. (MD) .No.23971 of 2017
16.02.2018

VSG/MRN
JM/SKN RSK/SAR 2/05.03.2018/3P/10C