

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2019

CORAM :

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.28496 of 2018

N.Palanisamy

.. Petitioner

Vs.

1.The Divisional Engineer,
Highways Department,
1371 A/1, Highways Colony,
Gopalapuram,
Coimbatore - 641 018.

2.The Commissioner of Police,
Tiruppur.

3.The Commissioner,
Corporation of Tiruppur,
Kumaran Road, Tiruppur.

4.G.Vijiya

5.G.Vigneshvaran

6.V.Susila

7.B.Mahalakshmi

8.S.Neelammal

9.G.Karthikeyan

10.M.Anitha

11.R.Aithammal

12.S.Thamarai

13.M.Jeyalakshmi

14.M.Jothilakshmi

15.B.Sathya

16.S.Alamelu

17.Palaniyammal

18.Keerthu Nagaraj

19.Dhanalakshmi

20.Samsudeen

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21.R.Sumathi
22.S.Selvaraj

.. Respondents

(R4 to R22 are impleaded vide order dated 13.02.2019 made in W.M.P.No.4328 of 2019)

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of mandamus directing the respondents to remove the re-encroachment made in Gandhi Road, Avinashi Road near Periyar Nagar, Tirupur in front of the petitioner's office and land located at S.F.No.438/2A to 2C, 440/1B, 441/2A, 18A2 and to preserve the same free from encroachment.

For Petitioner : Mr.K.Govi Ganesan

For Respondents: Mr.V.Jayaprakash Narayanan
Government Pleader (i/c) (R1)

Ms.P.Shanthi (R3)

Mr.Karl Marx.K.C (R4 to R22)

O R D E R

(ORDER OF THE COURT WAS MADE BY M.DURAI SWAMY, J.)

The petitioner has filed the above Writ Petition to issue a Writ of mandamus directing the respondents to remove the re-encroachment made in Gandhi Road, Avinashi Road near Periyar Nagar, Tirupur in front of the petitioner's office and land located at S.F.No.438/2A to 2C, 440/1B, 441/2A, 18A2 and to preserve the same free from encroachment.

2.It is the case of the petitioner that he sent a representation to the respondents to remove the encroachment in the form of Fish and Chicken Stall in front of his premises. According to the petitioner, the authorities have not considered his representation so far.

3.The learned counsel appearing for the 3rd respondent, Tiruppur City Municipal Corporation, submitted that a Vending Committee has been constituted and that the petitioner can submit an application before the Vending Committee and that the Vending Committee will take appropriate decision in the matter.

4.Admittedly, the encroachment is made by a street vendor and whether he has got right to do the business in the public road can be decided only by the Vending Committee. Therefore, we dispose of the Writ Petition by giving liberty to the petitioner to give an application to the Vending Committee and on receipt

of the same, the Vending Committee shall take a decision as expeditiously as possible. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

va

To

1.The Divisional Engineer,
Highways Department,
1371 A/1, Highways Colony,
Gopalapuram,
Coimbatore - 641 018.

2.The Commissioner of Police,
Tiruppur.

3.The Commissioner,
Corporation of Tiruppur,
Kumaran Road, Tiruppur.

+1cc to Mr.K.Govi Ganesan, Advocate, SR.75088

+1cc to Ms.P.Shanthi, Advocate, SR.74906

+1cc to the Government Pleader SR.75509

+1cc to Mr.Karl Marx.K.C. Advocate SR.74535(11/12/2019)

W.P.No.28496 of 2018

CP(CO)
CB(03/10/2019)

सत्यमेव जयते
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