



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Tuesday, the Eleventh day of June Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.SATHYANARAYANAN
and
The Hon`ble Mr Justice B.PUGALENDHI

WMP(MD) No.5002 of 2019
IN
WP(MD) No.4339 of 2019

MADURAI NAGAR SALAIYORAM
MARKET MATTRUM VIRPPANIYALAR SANGAM
(REG.NO.1171/MDU) ,

REP. BY ITS GENERAL SECRETARY ... PETITIONER/PROPOSED PARTY

Vs

1.A.RADHAKRISHNAN ...1ST RESPONDENT/PETITIONER

2.THE SECRETARY TO GOVERNMENT,
MUNICIPAL ADMINISTRATION AND WATER PUBLIC
DEPARTMENT, SECRETARIAT, CHENNAI-600 009.

3.THE STATE ROAD SAFETY COMMISSIONER-CUM
TRANSPORT COMMISSIONER,
CHEPAUK, CHENNAI-600 005.

4.THE ADDITIONAL DIRECTOR GENERAL OF POLICE,
STATE TRAFFIC PLANNING CELL,
DR.RADHAKRISHNAN ROAD, CHENNAI-600 004.

5.THE DISTRICT COLLECTOR,
MADURAI DISTRICT, MADURAI-625 020.

6.THE MEMBER SECRETARY,
LOCAL PLANNING AUTHORITY, MADURAI.

7.THE SPECIAL OFFICER-CUM-COMMISSIONER,
MADURAI CITY MUNICIPAL CORPORATION, MADURAI.

8.THE COMMISSIONER OF POLICE, MADURAI.

9.THE SUPERINTENDING ENGINEER,
(CONSTRUCTION AND MAINTENANCE)
HIGH WAYS DEPARTMENT, MADURAI.

... RESPONDENTS No.2 to 9/
RESPONDENTS No.1 to 8



Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to pass an order by permitting the petitioner / proposed party to Implead in the present Writ Petition in WP(MD).No.4339 of 2019.

Prayer in WP(MD). 4339/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing respondents 4 to 8 to remove the encroachment on the pedestrian pathway situated opposite to Durai-Ellis nagar Bus Stand by considering the petitioner representation dated 11.02.2019

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.A.HAJA MOHIDEEN, Advocate for the petitioner and of Mr.J.GUNASEELAN MUTHAIAH, Additional Government Pleader for R2 to R6 and R8,R9 and Mr.R.MURALI, Advocate for R7 and of No Appearance either in person or by an Advocate for R1, the court made the following order:-

(Order of this Court was made by **M.SATHYANARAYANAN, J**)

The petitioner is Madurai Nagar Salaiyarom Market Mattrum Viruppaniyalar Sangam registered under the Trade Unions Act and having its Registration No.1171/MDU and the registration is also kept alive.

2.The learned counsel appearing for the petitioner would submit that the members of the petitioner's association are doing street vending business as hawkers in and around Madurai City and for very many years. They used to place small wooden flacks measuring 2 feet x 2 feet on lesser area in temporary basis and used to sell displayed articles of baniyan, inner wear, comb, small plastic articles etc., However, in the light of the filing of W.P.(MD) No.4339 of 2019 by the first respondent for removal of encroachments on the pedestrian pathway situated opposite to Durai-Ellis Nagar Bus Stand, seeks for their impleadment.

3.A perusal of the affidavit filed in support of the petition would disclose that the petition is filed by the association and admittedly the list of members, the details of their names, prima-facie proof as to the carrying on street vending business and identity cards said to have been given by the concerned authority, have not at all been enclosed.

4.Insofar as W.P.(MD) No.4339 of 2019 is concerned it pertains to provision of alternative accommodation given to the licensees, who had shops in Periyar Bus Stand, which is under renovation. The grievance expressed by the petitioner therein was under the guise of providing alternative accommodation to the existing licensees of Periyar Bus Stand, Temporary Structures in the form of tinned sheet



structures have been erected on the platforms and storm water drainage and therefore, in the considered opinion of this Court, for the said prayer and the absence of relevant particulars as pointed out by this Court supra, the petition is not maintainable.

5. Accordingly, this Writ Miscellaneous Petition is dismissed.

sd/-
11/06/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S-II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

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MUNICIPAL ADMINISTRATION AND WATER PUBLIC
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8. THE SUPERINTENDING ENGINEER,
(CONSTRUCTION AND MAINTENANCE)
HIGH WAYS DEPARTMENT, MADURAI.

+1. C.C. to Mr. A. HAJA MOHIDEEN Advocate SR.No. 9432
+1. C.C. to Mr. A. RADHAKRISHNAN PNP SR.No. 9433

ORDER
IN
WMP(MD) No. 5002 of 2019 IN
WP(MD) No. 4339 of 2019
Date : 11/06/2019