



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:31.01.2020

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P (MD)No.1998 of 2020

and

W.M.P. (MD) Nos.1663 and 1666 of 2020

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V.Manickam

... Petitioner

Vs.

- 1) The Commissioner,
O/o Madurai Corporation,
Annamaligai,
Alagar Kovil Main Road,
Madurai.
- 2) The Commissioner of Police,
O/o the Commissioner of Police,
Madurai City,
Madurai District.
- 3) The Inspector of Police Station,
O/o Inspector of Police,
Anna Nagar Police Station,
K K Nagar,
Madurai.

4) P.Balasubramanian

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Mava4/027955/18 dated 12.01.2019 on the file of the respondent No.1 and quash the same as illegal and consequently direct the respondent NO.1 to 3 to shift the Bunk Shop of the respondent No.4 to any other place within the time frame stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For RR 1 & 2 : Mr.Mohammed Mohideen,
Standing Counsel

For R-3 : Mr.Pandiarajan,
Additional Government Pleader



O R D E R

This writ petition is filed seeking for a Certiorarified Mandamus, to call for the records pertaining to the impugned order in Mava4/027955/18 dated 12.01.2019 on the file of the first respondent and quash the same as illegal and consequently direct the respondents 1 to 3 to shift the bunk shop of the fourth respondent to any other place within the time frame stipulated by this Court.

2. The impugned order is the one giving temporary permission to one P.Balasubramanian, who is the fourth respondent in this writ petition for running street vending shops. It is pertinent to note that the very same writ petitioner herein has filed W.P.(MD) No.2221 of 2019 seeking for a relief of Mandamus, directing the respondents not to evict the petitioner's pushcart street vending shop situated in Mattuthavani bus stand located outside the cycle stand. In the said writ petition, an order of interim injunction was granted and on the alleged violation of the said order, a contempt petition in Cont.P.(MD) No.635 of 2019 was filed by the petitioner. The said contempt petition was disposed of by this Court on the following grounds:-

"At this stage, the petitioner's right as a street vendor cannot be ignored. The statute confers out certain rights on those who are running their business as street vendors. Therefore, this Court directs the Commissioner of Madurai Corporation to constitute the vending committee which shall identify the vending zone, so that, the petitioner can be accommodated. Of-course, it is made clear that in the guise of complying with this direction, the petitioner should not be made to shift his business from that place. The vending committee will bear in mind the ground reality and then pass appropriate orders."

3. Admittedly, the petitioner is doing business even today. Having obtained an order in the contempt that he will not be disturbed on 13.06.2019, the petitioner now seeks to challenge the notification issued on 12.01.2019 in January 2020. It appears that the petitioner has got no problem of carrying on the street vending business. He is only disturbed by the allotment of shops given to the fourth respondent. The petitioner is also unable to say whether he had appeared before the said Committee constituted for the purpose of street vendors as per the order of this Court.

4. In the above circumstances, the writ petition filed by the petitioner is bereft of any merits and therefore, the same is dismissed. This Court also imposes a cost of Rs.2,000/- (Rupees Two Thousand only) payable towards the Hon'ble Chief Justice Relief Fund within two weeks from the date of receipt of this order for wasting the Court's time. Consequently, connected miscellaneous petitions



are closed. Post for compliance on 09.03.2020.

Sd/-

Assistant Registrar (CS II)

// True Copy //

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Sub Assistant Registrar(CS)

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To:

- 1) The Commissioner,
O/o Madurai Corporation,
Annamaligai, Alagar Kovil Main Road,
Madurai.
- 2) The Commissioner of Police,
O/o the Commissioner of Police,
Madurai City, Madurai District.
- 3) The Inspector of Police Station,
O/o Inspector of Police,
Anna Nagar Police Station,
K K Nagar, Madurai.

Copy to:

The Section Officer,
Accounts Section,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-4376[F] dated 03/02/2020)

+1 CC to M/s.SPL.GP (SR-4395[F] dated 03/02/2020)

+1 CC to M/s.T.S.MOHAMED MOHIDEEN, Advocate (SR-4199[F] dated 31/01/2020)

Order made in

W.P(MD)No.1998 of 2020

_KK/SAR/18.02.2020/3P-8C/