



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2020

CORAM:

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P (MD) Nos. 4263 and 4265 of 2020

and

W.M.P (MD) Nos. 3593 and 3595 of 2020

1.P.Nangammal ... Petitioner in W.P (MD) No. 4263 of 2020

2.M.Rajeshwari Petitioner in W.P (MD) No. 4265 of 2020

Vs.

1.The Commissioner,
Tirunelveli City Municipal Corporation,
Tirunelveli.

2.The Chairman,
Town Vending Committee,
Tirunelveli City,
Tirunelveli.

3.The Commissioner of Police,
Tirunelveli City,
Tirunelveli.

4.The Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli.

... Respondents in both W.Ps'

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus forbearing the respondents not to disturb the Petitioners street vending business located at North Car Street, Tirunelveli City, except following the due process of law based on the Petitioners representations, dated 13.02.2020.

For Petitioner : Mr.N.Marimuthu
in both W.Ps'

For Respondents : Mr.Aayiram K.Selvakumar
1 and 2 Standing Counsel
in both W.Ps'

For Respondents : Mr.M.Rajarajan
3 and 4 Government Advocate
in both W.Ps'

**COMMON ORDER**

These Writ Petitions have been filed seeking issuance of a Writ of Mandamus forbearing the respondents not to disturb the Petitioners street vending business located at North Car Street, Tirunelveli City, except following the due process of law based on the Petitioners' representations, dated 13.02.2020 and 18.2.2020.

2.Mr.Aayiram K.Selvakumar, learned Standing Counsel takes notice for the respondents 1 and 2 and Mr.M.Rajarajan, learned Government Advocate takes notice for the respondents 3 and 4.

3.By consent of parties, the main Writ Petitions are taken up for final disposal.

4.The Writ Petitioners who are the street vendors, are eking out their livelihood by selling fruits in North Car Street, Tirunelveli City. The Petitioners have been issued with Identity Card by the Tirunelveli Corporation. Earlier also, one of the street vendors like that of the Petitioners, had moved this Court and this Court had also passed an order finding that North Car Street is classified as Non-Vending Street, the place where the Petitioners are now doing business. Till such time the Petitioners are given alternative place for relocating the vending place they should not be disturbed.

5.The learned counsel appearing for the first respondent / Tirunelveli City Municipal Corporation states that till today no alternative place has been identified for the street vendors doing business on the North Car Street. However, the complaint of the Petitioners is that the fourth respondent/The Inspector of Police, Tirunelveli Town Police Station, Tirunelveli has been disturbing them from doing business. As the Petitioners who are ladies doing business in fruits and cut fruits, they find it difficult to sell their fruits which are perishable in nature.

6.The learned Government Advocate appearing for the fourth respondent/Police states that the Police would disturb the Petitioners only if the business is carried out beyond 11.00 p.m. in the evening. The learned counsel for the Petitioners submitted that most of the time, they wind up the business during sunlight and on very few days, they have to sit for selling the fruits till 9.00 p.m. It is stated that the Police would not disturb the Petitioners till 11.00 p.m. in the evening. However, the said statement of the fourth respondent is recorded.

7.As the Petitioners are doing business in a busy Car Street, they were also warned that they cannot encroach the road portion causing disturbance to the smooth flow of traffic. Therefore the first respondent is directed to earmark an alternative vending place for all the street vendors including the petitioners doing business at the above said place at the earliest point of time to avoid this

kind of confusion.

8. Recording the statement of the fourth respondent that the Petitioners will not be disturbed from doing the business in the above said place till 11.00 p.m., these Writ Petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsn

To

1. The Commissioner,
Tirunelveli City Municipal Corporation,
Tirunelveli.

2. The Chairman,
Town Vending Committee,
Tirunelveli City,
Tirunelveli.

3. The Commissioner of Police,
Tirunelveli City,
Tirunelveli.

4. The Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli.

+2 CC to M/s.AAYIRAM K SELVAKUMAR, Advocate (SR-9251,9250[F] dated 28/02/2020)

+2 CC to M/s.N.MARIMUTHU, Advocate (SR-9248[F],9249 dated 28/02/2020)

+1 CC to M/s.SPL.GP (SR-9643[F] dated 02/03/2020)

W.P(MD)Nos.4263 and 4265 of 2020
and

W.M.P(MD)Nos.3593 and 3595 of 2020
28.02.2020

KK/17.03.2020/ 3P- 10C