



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.07.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.7662 of 2020 and

W.M.P.(MD)No.7163 of 2020

Siva Ayyappan

... Petitioner

Vs.

1. The Commissioner,
Tirunelveli City Municipal Corporation,
Tirunelveli.
2. The Chairman,
Town Vending Committee,
Tirunelveli City,
Tirunelveli.
3. The Assistant Commissioner of Police,
Tirunelveli Town,
Tirunelveli.
4. The Inspector of Police,
Tirunelveli Town police station,
Tirunelveli City.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing respondents 3 and 4 from disturbing the petitioner's street vending business located at Opposite to Devi Medical, near Vaikkal Palam, Karpaga Vinayagar Kovil Street, Tirunelveli City, except due process of law.

For Petitioners : Mr.T.Lenin Kumar

For R-1 & R-2 : Mr.Aayiram K.Selvakumar,
Standing Counsel.

For R-3 & R-4 : Mr.M.Rajarajan,
Government Advocate.

O R D E R

Heard, Mr.T.Lenin Kumar, learned counsel appearing for the writ petitioner and Mr.Aayiram K.Selvakumar, learned Standing counsel appearing for respondents 1 and 2 and Mr.M.Rajarajan, learned Government Advocate appearing for respondents 3 and 4.

2. The petitioner's case is that he is carrying on street vending business in the petition mentioned site. The learned counsel appearing for respondents 3 and 4 would state that there are no shops in the petition mentioned site. The petitioner would inform that he comes with a wooden box in the morning and he will go back with the said wooden box in the evening. According to the petitioner, he has not put up even a temporary structure. It is not in dispute that the site in question is a non-vending zone. But then, the petitioner is yet to be accommodated in the vending zone.

3. Mr.Aayiram K.Selvakumar, learned Standing counsel states that the proposal is pending and it is likely to be finalised shortly. The respondent Corporation is taking steps to relocate the petitioner to a vending zone. Since the process of identifying the alternative place and relocation is presently going on, the respondents are directed not to disturb the petitioner during the business in the petition mentioned site. The moment the alternative site is identified, the petitioner has to shift his business to the allotted site.

4. In fact the direction of similar lines has been passed by a learned Judge of this Court in W.P.(MD)No.328 of 2018 vide order dated 05.03.2018(A.Syed Sulaiman V. The Commissioner, Tirunelveli City Municipal Corporation, Tirunelveli and 3 Others). The writ petition stands allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CRL SIDE)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pmu

Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the person concerned.

<https://hccs.court.gov.in/itseries>



To:

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Tirunelveli.
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W.P. (MD) No. 7662 of 2020
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AL (CO)
TR (21.07.2020) 3P 5C