



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.09.2020

CORAM

THE HONOURABLE MR.JUSTICE **D.KRISHNAKUMAR**

W.P. (MD) No.15495 of 2019

R.Veeraiya

... Petitioner

Vs.

1.The District Collector,
Sivagangai District, Sivagangai.

2.The Block Development Officer,
Union Panchayat Office,
Vaniyankudi Panchayat,
Sivagangai District.

3.The Special Tahsildar,
Vaniyankudi Panchayat,
Alangulam Group,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to give priority to the schedule members of the Street Vendors while allotting the newly constructed shops opposite to Sivagangai Govt.Hospital within the limits of Vaniyankudi Panchayat, by considering petitioner's representation dated 02.10.2018.

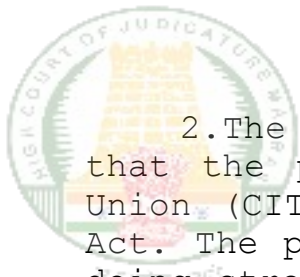
For Petitioner : Mr.A.Haja Mohideen

For R1 and R3 : Mr.C.Ramesh,
Special Government Pleader

For R2 : Mr.M.Rajarajan,
Additional Government Pleader

ORDER

This writ petition is filed seeking for a direction to direct the respondents to give priority to the schedule members of the Street Vendors allotting the newly constructed shops opposite to Sivagangai Govt.Hospital within the limits of Vaniyankudi Panchayat, by considering the petitioner's representation dated 02.10.2018.



2.The learned counsel appearing for the petitioner submitted that the petitioner's Association, viz., Centre of Indian Trade Union (CITU) is a registered trade Union under the Trade Unions Act. The petitioner is the member of the association and they are doing street vending business as hawkers. The learned counsel for the petitioner further submitted that they have no identity card or authorisation for doing street vending business. In this regard, the petitioner made a representation dated 02.10.2018 to the respondents. Till then the said representation has not been considered. Hence the petitioner filed this present writ petition.

3.The learned Special Government Pleader appearing for the respondents 1 and 3, on instructions, submitted that the Protection of Livelihood and Regulation of Street Vendors Act, 2014 would not be applicable to the street vendors, who are running the business in the rural area and the said Act is also applied for the urban areas. As per government orders, the Panchayat shall allot the shops by conducting public auction or through inviting tenders. But there is no provision for granting priority to the petitioner for allotting the said shops. The petitioner can also participate in the said tender process or in the public auction and the same will be conducted by the respondents.

4.Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents 1 and 3 and the learned counsel for the second respondent and also perused the materials placed on records.

5. In view of the above submission made by the learned Special Government Pleader appearing for the respondents 1 and 3, the petitioner's claim to give priority for allotting the shops constructed opposite to Sivagangai Govt.Hospital within the limits of Vaniyankudi Panchayat cannot be granted. There is no legal right to claim such priority. Unless there is any provision under Government Order, such a relief cannot be granted. Hence, *prima facie* no case is made out. Consequently, writ petition is liable to be rejected.

6. In view of the facts and circumstances, the Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



das

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 advocate/litigant concerned.

To

- 1.The District Collector,
Sivagangai District, Sivagangai.
- 2.The Block Development Officer,
Union Panchayat Office,
Vaniyankudi Panchayat,
Sivagangai District.
- 3.The Special Tahsildar,
Vaniyankudi Panchayat,
Alangulam Group,
Sivagangai District.

+1 CC to M/s.GP (SR-16498[F] dated 10/09/2020)

W.P. (MD) No.15495 of 2019
09.09.2020

srk(CO)
TR(22.09.2020) 3P 5C