

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.03.2021

CORAM:

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.NO.8069 OF 2021

AND

W.M.P.NOS.8611 & 8613 OF 2021

Vijaya Kumar

... Petitioner

vs.

1. The Secretary to Government,
State of Tamilnadu,
Secretariat, St Fort George,
Chennai - 600 009.
2. The Secretary,
Tourism, Culture and Religious Endowment Department,
Secretariat, St Fort George,
Chennai - 600 009.
3. The Commissioner & Managing Director,
Tamil Nadu Tourism Development Corporation,
Tourism Complex, No.2, Wallajah Road,
Triplicane, Chennai - 600 002.
4. The District Collector,
Ootacamund, Nilgiris District.
5. The Manager,
Boat House,
Ootacamund, Nilgiris District.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of a Writ of Mandamus, to direct the respondents to issue permanent identity card as moving vendor to the petitioner for selling things within the premises of Boat House, Ootacamund, Nilgiris District based on this petitioner's representation dated 21.01.2021 within time frame fixed by this Court.

For Petitioner : Mr.C.Umashankar

For Respondents : Mr.V.Shanmuga Sundar for R1, R2 & R4
Special Government Pleader

Mr.M.Loganathan for R3 & R5
Additional Government Pleader

ORDER

This Writ Petition has been filed for a mandamus seeking for a direction to the respondents to issue permanent identity card as a moving vendor to the petitioner for selling articles within the premises of the Boat House, Ootacamund, Nilgiris District, based on the petitioner's representation dated 21.01.2021 within a time frame to be fixed by this Court.

2. The case of the petitioner is that he has been a moving vendor in the boat club premises at Ootacamund for the past several years and that he has been issued a temporary identity card by the fifth respondent, which expires on 31.03.2021. He has sought for a permanent identity card from the respondents under his representation dated 21.01.2021. Since the representation has not been considered, the petitioner has approached this Court under Article 226 of the Constitution of India.

3. Heard Mr.C.Umashankar, learned counsel for the petitioner, Mr.V.Shanmugasundar, learned Special Government Pleader appearing on behalf of the respondents 1, 2 and 4 and Mr.M.Loganathan, learned Additional Government Pleader appearing on behalf of the respondents 3 and 5.

4. Mr.V.Shanmugasundar, learned Special Government Pleader appearing for the District Collector, Ootacamund, Nilgiris District, who is the fourth respondent herein, on instructions, would submit that the fourth respondent is willing to consider the petitioner's representation seeking for issuance of permanent identity card on merits and in accordance with law, within a period of 15 days from the date of receipt of a copy of this order.

5. However, this Court is of the considered view that the petitioner having been issued a temporary identity card for being a moving vendor in the boat club premises at Ootacamund, his interest should be protected till his representation for issuance of permanent identity card is considered by the respondents on merits and in accordance with law.

6. For the foregoing reasons, this Court directs the fourth respondent to consider the petitioner's representation dated 21.01.2021 seeking for issuance of permanent identity card as a moving vendor for selling articles within the premises of Boat House, Ootacamund, Nilgiris District and pass final orders on merits and in accordance with law, within a period of 15 days from the date of receipt of a copy of this order. Till the representation of the petitioner is disposed of, it is made clear that the respondents shall not disturb the activities of the petitioner as a moving vendor for selling articles within the boat club premises at Ootacamund. It is also made clear that this order is applicable only for this petitioner alone.

7. With the aforesaid direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

srn/vsi2

To

1. The Secretary to Government,
State of Tamilnadu, Secretariat,
St Fort George, Chennai - 600 009.
2. The Secretary,
Tourism, Culture and Religious Endowment Department,
Secretariat, St Fort George, Chennai - 600 009.
3. The Commissioner & Managing Director,
Tamil Nadu Tourism Development Corporation,
Tourism Complex, No.2, Wallajah Road,
Triplicane, Chennai - 600 002.
4. The District Collector,
Ootacamund, Nilgiris District.
5. The Manager, Boat House,
Ootacamund, Nilgiris District.

+1cc to Mr.C.Umashankar, Advocate, S.R.No.20702

W.P.No.8069 of 2021
and W.M.P.Nos.8611 & 8613 of 2021

UM(CO)
CS/10/05/2021