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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2021

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.10577 of 2020

and

WMP.No.12851 of 2020

Orikinykkapadatha Thozilalar Sangam,
Rep. By its Secretary, Mr.L.Sivaraman,
Registration No.285/ERD,
Having Office at No.108A,
Gurunathan Veethi,
Varnaburam, Bhavani.
Erode District-638 301.

...Petitioner

vs.

1. The Commissioner of Municipal Administration,
Ezhilagam Annex, 6th Floor,
Kamarajar Salai, Chepauk,
Chennai-600 005.
2. The Regional Director of Municipal Administration,
Kumaran Shopping Complex,
Near Tirupur Railway Station,
Kumaran Road, Tirupur-641 601.
3. The Commissioner,
Punjai Puliampatti Municipality,
Erode District.
4. The Superintendent of Police,
Superintendent Office,
Erode District.
5. The Inspector of Police,
Punjai Puliampatti Police Station,
Erode District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus forbearing the respondents 3 to 5 from interfering with the members of the petitioner Association (as per the members list



filed in the typeset) from carrying on street vending on the road side in Sataram Road near bus stand in Punjai Puliyampatti, Erode District.

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For Petitioner : Mr.M.Roshan Atiq
For Respondents : Mr.M.R.Gokul Krishnan,
Govt. Advocate for R1, R2,
R4 and R5
: Mr.V.Jayaprakash Narayan
Standing Counsel for R3

O R D E R

The petitioner Association has 14 members, who are street vendors, engaged in the business of selling flowers and petty items for the past 30 years, by erecting temporary structure on the sides of Municipal Chatiram road, near bus stand in Punjai Puliyampatti, Erode District. Originally the said members of the petitioner Association have set up their business at Coimbatore - Sathyamangalam Main Road and now they have relocated their shops to the Municipal Chatiram Road as an alternative location given by the then third respondent Commissioner. According to the petitioner Association, their 14 members were recognized by the Street Vending Committee as per the Street Vendors [Protection of Livelihood and Regulation of Street Vending] Act, 2014 and they have been individually issued with Street Vendors Enumeration and Bio Metric Data Capturing Form, which has been enclosed in the typed set of papers. Now the 14 members of the petitioner Association are seeking alternative place for relocating their shops, since the place identified by the respondent Municipality is far away and it would affect their livelihood and therefore, they have shifted to the opposite of the existing Municipal Chatiram Road and they may be permitted to continue their business in the present relocated place opposite to the existing Municipal Chatiram Road.

2. Mr.V.Jayaprakash Narayan, learned Standing Counsel for the third respondent has drawn the attention of this Court to the Status Report of the third respondent wherein it has been stated that in the year 2015-2016 Vending Committee has been constituted and the said Committee conducted survey of the street vendors and identified totally 77 street vendors, out of which 57 of them were doing business, but they have not approached the respondents seeking alternative allotments and only the members of the petitioner Association have encroached



upon the perimeter wall of the Municipality and running their shops by putting temporary sheds and also causing damage to the perimeter wall of the Municipal Office, obstructing the access to roads leading to the daily market, obstructing the public, pedestrians and the regular traffic. The learned Standing Counsel for the third respondent would further contend that enumeration has already taken place and the vendors have already been allotted alternative place for doing their business and in spite of the same, the members of the petitioner's association refused to relocate their shops to the alternative places allotted.

3. The learned counsel for the petitioner would submit that the respondents Municipality has to consider the petitioners' request for alternative place taking into consideration that they are running flower business and their livelihood would be in peril if they are relocated to a far away place, as identified by the respondents Municipality and if no settlement is arrived in relation to relocation of place by the parties concerned, the petitioners shall not be evicted by the respondents except following the due process of law.

4. The learned Standing Counsel for the third respondent would submit that the aforesaid issues raised by the petitioner has already been answered by the third respondent in the Status Report and besides that the members of the petitioner Association has to approach the Vending Committee, who is competent under the Act to consider the request of the members of the petitioner Association and make all possible steps to settle the issue among themselves and ultimately, if the alternative location identified is not accepted by the members of the petitioner Association, the respondents Municipality will proceed in accordance with law as per the procedure contemplated under the Street Vendors [Protection of Livelihood and Regulation of Street Vending] Act, 2014.

5. The issues raised by the petitioner has been answered by the learned Standing Counsel for the respondent Municipality. In view of the same, this Court passes the following order:

(i) The 14 members of the petitioner Association shall individually make application to the Vending Committee, Punjai Puliampatti Municipality, Erode District within a period of two weeks from the date of receipt of a copy of this order;

(ii) The Vending Committee shall consider the said applications and take appropriate decision and communicate the same to the individual members of the petitioner Association as



expeditiously as possible within a period of four weeks thereafter;

(iii) If the members of the petitioner Association disagree with the suggestion for alternative location by the Vending Committee, the respondents Municipality shall proceed to evict the petitioners in accordance with the procedure as contemplated under Street Vendors [Protection of Livelihood and Regulation of Street Vending] Act, 2014.

(iv) Till the final decision is taken by the Vending Committee, both the parties are directed to maintain Status Quo as on date.

6. With the above directions, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Jvm

To

1. The Commissioner of Municipal Administration,
Ezhilagam Annex, 6th Floor,
Kamarajar Salai, Chempauk,
Chennai-600 005.
2. The Regional Director of Municipal Administration,
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Near Tirupur Railway Station,
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3. The Commissioner,
Punjai Puliyampatti Municipality,
Erode District.
4. The Superintendent of Police,
Superintendent Office,
Erode District.



5. The Inspector of Police,
Punjai Puliyaampatti Police Station,
Erode District.

6. Vending Committee,
Punjai Puliyaampatti Municipality,
Erode District.

+lcc to M/S.V.Jayaprakash Narayanan, Advocate, S.R.No.32889
+lcc to the Government Pleader, S.R.No.33512

W.P.No.10577 of 2020

CMI (CO)
SU (30/07/2021)