



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2021

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P.Nos.13801, 13806, 13809, 13811, 13871, 13876, 14082
& 14085 of 2021

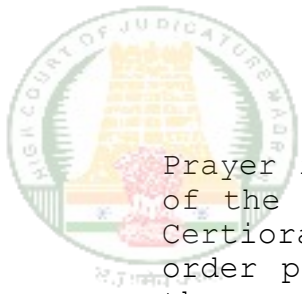
and

WMP.Nos.14649, 14650, 14654, 14655, 14662, 14663, 14666, 14667,
14733, 14734, 14736, 14738, 14956, 14957, 14959 & 14960 of 2021

R.Syed Afzal	... Petitioner in WP.No.13801 of 2021
M.Abbas	... Petitioner in WP.No.13806 of 2021
Vijaya Kumar	... Petitioner in WP.No.13809 of 2021
B.Navas	... Petitioner in WP.No.13811 of 2021
A.Suresh Kumar	... Petitioner in WP.No.13871 of 2021
A.Zhabiulla	... Petitioner in WP.No.13876 of 2021
M.Moosa	... Petitioner in WP.No.14082 of 2021
H.Rafik	... Petitioner in WP.No.14085 of 2021

Versus

- 1.The Secretary to Government,
State of Tamil Nadu,
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 643 001.
 - 5.The Manager,
Tamil Nadu Tourism Development Corporation Limited,
Boat House, Ootacamund,
Nilgiris District - 643 001.
- ... Respondents in all WPs.



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Prayer in WP.No.13801 of 2021: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the order passed by the fifth respondent dated 01.06.2021 and quash the same consequently directs the respondents to issue permanent identity card as moving vendor to the petitioner for selling things within the premises of Boat House, Ootacumund, Nilgiris District within time frame fixed by this Court.

Prayer in WP.No.13806 of 2021: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the order passed by the fifth respondent dated 01.06.2021 and quash the same consequently directs the respondents to issue permanent identity card as moving vendor to the petitioner for selling things within the premises of Boat House, Ootacumund, Nilgiris District within time frame fixed by this Court.

Prayer in WP.No.13809 of 2021: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the order passed by the fifth respondent dated 04.06.2021 in Lr.No.151/BH/Ooty/2021 and quash the same, consequently directs the respondents to issue permanent identity card as moving vendor to the petitioner for selling things within the premises of Boat House, Ootacumund, Nilgiris District within time frame fixed by this Court.

Prayer in WP.No.13811 of 2021: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the order passed by the fifth respondent dated 01.06.2021 and quash the same, consequently directs the respondents to issue permanent identity card as moving vendor to the petitioner for selling things within the premises of Boat House, Ootacumund, Nilgiris District within time frame fixed by this Court.

Prayer in WP.No.13871 of 2021: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the order passed by the fifth respondent dated 04.06.2021 in Lr.No.151/BH/Ooty/2021 and quash the same, consequently directs the respondents to issue permanent identity card as moving vendor to the petitioner for selling things within the premises of Boat House, Ootacumund, Nilgiris District within time frame fixed by this Court.

Prayer in WP.No.13876 of 2021: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the order passed by the fifth respondent dated 01.06.2021 and quash



the same, consequently directs 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 within time frame fixed by this Court.

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Prayer in WP.No.14082 of 2021: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the order passed by the fifth respondent dated 04.06.2021 in Lr.No.151/BH/Ooty/2021 and quash the same, consequently directs 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 within time frame fixed by this Court.

Prayer in WP.No.14085 of 2021: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the order passed by the fifth respondent dated 01.06.2021 and quash the same, consequently directs 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 within time frame fixed by this Court.

For Petitioners (in all WPs)	:	Mr. C. Umashankar in all the writ petitions
For Respondents (in all WPs)	:	Mr.Stalin Abimanyu, Government Counsel in all the writ petitions

COMMON ORDER

These writ petitions are filed challenging the orders passed by the fifth respondent refusing to issue permanent identity card to the petitioners to sell various items inside the Boat house and to issue a consequential direction to the respondents to issue permanent identity card as moving vendor to the petitioners for selling things within the premises of Boat House, Ootacamund, Nilgiris District.

2. Today, when these matters are taken up for consideration, the learned Government Counsel appearing for the respondents filed a status report of the fifth respondent dated 27.10.2021, wherein it has been stated as follows:-

"2. It is submitted that the third respondent namely the Managing Director of TTDC on the directions passed in the above mentioned batch petition, visited the Boat House, Ootacamund on



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12.10.2021 and conducted a thorough inspection and has identified 1916 sq.ft. of Boat House area occupied by unauthorised constructions/shops in the Boat House area.

3. I submit that the unauthorized shops put up by the moving vendors in the premises of Boat House, Ooty parking area were evicted with the entire support of the District Administration and Police Department on 25.10.2021.

4. It is submitted that, there were 63 shops and all the 63 shops were evicted. Out the above 63 moving vendors, 48 moving vendors are from earlier period remaining 15 vendors are temporary moving vendors.

5. For all the aforesaid reasons it is most humbly prayed that this Hon'ble Court may be pleased to treat this status report as part and parcel of this Hon'ble Court's record and pass such order of other orders in the interest of justice."

3. In the light of the above status report filed by the fifth respondent, no further orders need be passed in these writ petitions except recording the same. Accordingly, all the writ petitions are disposed of. No costs. Consequently, all the connected miscellaneous petitions are closed.

01.11.2021

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BEING MENTIONED

The matter having been listed on 23/12/2021, for being mentioned in pursuance of order dated 01/11/2021 and made herein and in the presence of Mr.Umashankar, Advocate appearing for Petitioner in all WPs, and or Mr.Stalin Abimanyu, Government Counsel appearing for Respondents in all WPs, the Court made the following order;

Today, these writ petitions are listed under the caption, "For Being Mentioned" at the instance of the learned counsel for the petitioners.

2.It is submitted by the learned counsel for the petitioners that at the time of hearing the matters, on the side of the respondents, two reports were filed i.e., one dated 18.10.2021 filed by the third respondent and another dated 27.10.2021 filed by the fifth respondent. However, in the order dated 01.11.2021 passed in the aforesaid writ petitions, there was a mention only about the report dated 27.10.2021 filed by the fifth respondent. Therefore, the learned counsel prayed to



incorporate the report dated 18.10.2021 filed by the third respondent, as well.

3. The learned Government Advocate appearing for the respondents has no serious objection with regard to the submission made by the learned counsel for the petitioners.

4. Taking note of the submissions made by the learned counsel for the petitioners, which has not been seriously opposed on the side of the respondents, this court is inclined to incorporate the relevant paragraph No.16 of the report dated 18.10.2021 filed by the third respondent, in the order dated 01.11.2021 passed in the aforesaid writ petitions. Accordingly, paragraphs 2 and 3 of the said order, read as follows:

"2. Today, when these matters are taken up for consideration, the learned Government Counsel appearing for the respondents drew the attention of this court to the respective reports filed by the respondents 3 and 5 dated 18.10.2021 and 27.10.2021, the relevant paragraphs of which are profitably extracted below:

Report of the third respondent dated 18.10.2021

"16. The existing platform constructed by TTDC is in the size of 100 x 23 ft. which amounts to 2,300sq.ft. To protect their livelihood, instructions have been given to accommodate moving vendors in the earmarked area of 2300sq.ft. by allotting 6 x 4 ft. area for each vendor. "

Report of the fifth respondent dated 27.10.2021

"2. It is submitted that the third respondent namely the Managing Director of TTDC on the directions passed in the above mentioned batch petition, visited the Boat House, Ootacamund on 12.10.2021 and conducted a thorough inspection and has identified 1916 sq.ft. of Boat House area occupied by unauthorised constructions/shops in the Boat House area.

3. I submit that the unauthorized shops put up by the moving vendors in the premises of Boat House, Ooty parking area were evicted with the entire support of the District Administration and Police Department on 25.10.2021.

4. It is submitted that, there were 63 shops and all the 63 shops were evicted. Out the above 63 moving vendors, 48 moving vendors are from earlier period remaining 15 vendors



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are temporary moving vendors.

5. For all the aforesaid reasons it is most humbly prayed that this Hon'ble Court may be pleased to treat this status report as part and parcel of this Hon'ble Court's record and pass such order of other orders in the interest of justice."

3. In the light of the above reports, this court is of the opinion that no further orders need be passed in these writ petitions except recording the same. Accordingly, all the writ petitions are disposed of. No costs. Consequently, all the connected miscellaneous petitions are closed."

Except the above, the order remains the same in all other respects.

4. Registry is directed to issue a fresh order copy to all the parties, after carrying out the necessary corrections.

23.12.2021

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Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government,
State of Tamil Nadu,
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 643 001.



5. The Manager,
Tamil Nadu Tourism Development Corporation Limited,
Boat House, Ootacamund,
Nilgiris District - 643 001.

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+8ccs to Mr.C.Umashankar, Advocate SR. Nos.56809 to 56816
+1cc to the Government Pleader SR. No.57168

W.P.Nos.13801, 13806, 13809, 13811, 13871,
13876, 14082 & 14085 of 2021

EV (CO)
PR (07/01/2022)