



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.23876 of 2021
and WMP.No.25182 of 2021

Syed M

... Petitioner

Vs.

1. The Secretary to Government,
Secretariat, Chennai-9.
2. The Secretary (Tourism)
Culture and Religious Endowment Department,
Secretariat, Chennai-9.
3. The Commissioner & Managing Director,
Tamil Nadu Tourism Development Corporation,
Triplicane, Chennai-2.
4. The District Collector,
Ootacamund, Nilgiris District.
5. The Manager,
Tamil Nadu Tourism Development Corporation,
Boat House,
Ootacamund, Nilgiris District.

... Respondents

Prayer: This Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the 3rd to 5th respondents herein to issue a permanent identity card to the petitioner and to permit the petitioner herein to carry on his activities as a moving vendor in the Boat house premises, Ootacamund.

For Petitioner : Ms.N.Srikavya
For Respondents : Mr.M.R.Gokulakrishnan
Government Advocate

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the 3rd to 5th respondents herein to issue a permanent identity card to the petitioner and to permit him to carry on his activities as a moving vendor in the Boat house premises, Ootacamund.

2. The case of the petitioner is that he is a moving vendor in the Boat house premises at Ootacamund for the past several years and selling small articles by carrying a tray



around his neck. The 5th respondent had issued a temporary identity card to the petitioner for selling the items and the said identity card has been expired on 31.03.2021. Hence, the petitioner has already made a representation dated 22.11.2019 before the third respondent requesting to issue permanent identity card. Till date, the representation was not considered, the present writ petition has been filed before this Court.

3. The learned counsel for the petitioner submitted that the petitioner is a moving vendor in the Boat house premises at Ootacamund. Similarly 62 persons were doing same type of business. The petitioner along with 61 other vendors have filed a writ petition before this court in W.P.No.7689 of 2021 praying for a direction to issue permanent identity card for the capacity of the moving vendor. The said writ petition was disposed of with a direction to the fifth respondent to consider the representation made by the vendors. The 5th respondent had issued temporary identity card to 48 persons and rejected the claim of the petitioner and others. The learned counsel submitted that the petitioner is selling small articles for the past several years and he has no other employment. Hence, the learned counsel prays to allow this petition.

4. Heard Ms.N.Srikaviya, learned counsel for the petitioner and Mr.M.R.Gokul Krishnan, learned Government Advocate appearing on behalf of the respondents 1 to 5.

5. Taking into consideration the facts and circumstances of the case and also of the fact that the petitioner is a moving vendor and he is doing the business at Ootacamund Boat Premises for the past several years, there shall be a direction to the third respondent to consider the representation made by the petitioner dated 22.11.2019 and pass an appropriate orders in accordance with law within a period of four weeks from the date of receipt of a copy of this order. The petitioner is directed to make a fresh representation to the third respondent along with all the relevant documents and also a copy of this order. Till the disposal of the representation, the third respondent shall not disturb the petitioner's business.

6. This Writ Petition is disposed of with the above directions. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar



To

1. The Secretary to Government of Tamil Nadu,
Secretariat, Chennai-9.

2. The Secretary (Tourism)
Culture and Religious Endowment Department,
Secretariat, Chennai-9.

3. The Commissioner & Managing Director,
Tamil Nadu Tourism Development Corporation,
Tourism Complex,
No.2 Wallajah Road,
Triplicane, Chennai-2.

4. The District Collector,
Ootacamund, Nilgiris District.

5. The Manager,
Tamil Nadu Tourism Development Corporation,
Boat House,
Ootacamund, Nilgiris District.

+1 cc to M/s.AL.Ganthimathi, Advocate Sr.NO. 57773

+1 cc to Government Pleader Sr.NO. 58056

W.P.No.23876 of 2021
and WMP.No.25182 of 2021

SS(CO)
A.SK(30.11.2021)