



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.5039 of 2021

V.Madasamy

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli - 9.

2.The Commissioner,
Tirunelveli Corporation,
Tirunelveli.

3.The Assistant Commissioner,
Thatchanallur Region,
Tirunelveli Corporation,
Tirunelveli.

4.The Inspector of Police,
Tirunelveli Junction Police Station,
Tirunelveli Junction.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for records as pertaining to impugned order passed by the 3rd respondent in Na.Ka.No.A1/000003/2021, dated 05.01.2021 and quash the same as illegal and consequently, direct the respondents to permit the petitioner to run the idly kadai in the light of Olga Tellis Vs. Bombay Municipal Corporation (AIR 1985 SC 545), within a time stipulated by this Court.

For Petitioner : Mr.S.Muthumalai Raja
For Respondents : Mr.Aayiram K.Selvakumar for R1
Standing Counsel
Mr.M.Lingadurai for RR1,3 & 4
Government Advocate



ORDER

This writ petition has been filed challenging the impugned proceedings of the third respondent, dated 05.01.2021 and for a consequential direction to permit the petitioner to run his vending business at Tha.Mu.Road.

2.The second respondent has filed a counter affidavit and specific stand has been taken in paragraph 4 of the counter affidavit, which is extracted hereunder:

"4.It is submitted that Tirunelveli Railway Station cum Tha.Mu.Road is the busiest road in the city as it connects both the railway station and the Periyar Bus Stand. So there is a strict restriction for the street vendors shops as well as any other eatery shops in both side platforms in the said road. Moreover, there is no place available to run petty shop or mobile shops on the road sides."

3.In view of the specific stand taken by the second respondent, this Court does not find any ground to interfere with the impugned order and since the place in question is a busy locality, there is no question of permitting the street vendors and the respondent Corporation shall maintain a consistent stand and not permit any one to do vending business in this area.

4.In the result, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

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,
Tirunelveli District,
Tirunelveli - 9.



2.The Commissioner,
Tirunelveli Corporation,
Tirunelveli.

3.The Assistant Commissioner,
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Tirunelveli Corporation,
Tirunelveli.

4.The Inspector of Police,
Tirunelveli Junction Police Station,
Tirunelveli Junction.

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NS (CO)
LR (30.07.2021) 3P 5C