



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.4633 of 2021

and W.M.P. (MD) .No.3741 of 2021

WEB COPY

Radha Krishnan

... Petitioner

Vs.

1.The Commissioner,
Tirunelveli City Municipal Corporation,
Tirunelveli.

2.The Chairman,
Town Vending Committee,
Tirunelveli City,
Tirunelveli.

3.The Assistant Commissioner of Police,
Tirunelveli Town,
Tirunelveli City.

4.The Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli City.

... Respondents

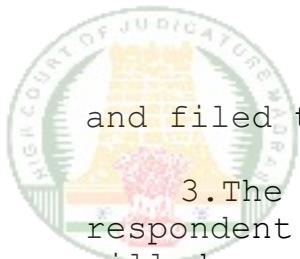
Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents from disturbing the petitioner's street vending business located in front of RMKV Car Parking, opposite to Almas Readymades, North Car Street at Tirunelveli City, except due process of law.

For Petitioner : Mr.T.Lenin Kumar
For Respondents : Mr.Aayiram K.Selvakumar for R1
Standing Counsel
Mr.M.Lingadurai for RR2 to 4
Government Advocate

ORDER

This petitioner has approached this Court seeking for the issue of a Writ of Mandamus, forbearing the respondents from disturbing him in carrying on with his vending business at North Car Street.

2.The Commissioner of Tirunelveli Corporation has filed a counter affidavit in this case. A specific stand has been taken to the effect that the petitioner is not possessing any Identity Card or a Vending Certificate and he has merely given a representation



and filed the writ petition based on the said representation.

3.The learned Standing Counsel appearing on behalf of the respondent Corporation submitted that the alternate accommodation will be considered only for those persons, to whom the Identity cards have been issued by the Corporation. It is submitted that persons who have not been identified by the respondent Corporation will not have any right to carry on with the vending business and they do not have the right to be given an alternate accommodation.

4.Per contra, the learned counsel appearing for the petitioner submitted that on an earlier occasion, the respondent Corporation had informed before this Court that totally 559 vendors have been identified, out of which Identity cards have been issued to only 195 members and the remaining members will be identified and Identity cards will be given to them. Having taken such a stand, the respondent Corporation without issuing the Identity card, cannot deprive the petitioner of his livelihood.

5.In the considered view of this Court, the alternate place that has been identified will get ready only in the year 2022. Till then, the respondent Corporation will be able to accommodate only those persons, who have been identified and Identity cards have been issued. Those persons alone can be allotted to carry on with the vending business till the alternate place is made ready.

6.The learned counsel for the petitioner submitted that the petitioner has been issued with an Identity Card. The respondent Corporation shall verify the same and if the petitioner possesses the identity Card, the petitioner will be permitted to carry on his vending business in the present location. It is made clear that in such an event, the petitioner will not put up any permanent structure and the business has to be conducted in a temporary structure or in a mobile vehicle, so that it can be moved easily. If any permanent structure is put up, it is left open to the respondent Corporation to take action in accordance with law. This arrangement will be in force till the petitioner is provided with the alternate accommodation. The respondent Corporation is directed to process the applications received and identify the street vendors who will be entitled for the identity card in accordance with Rule 7 and 8 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 and permit them alone to continue with the street vending business till the alternate place is made ready. None of the others who is not found to be eligible and not granted the identity card shall be allowed to do the vending business. This process shall be completed by the respondent Corporation, within a period of four weeks from the date of receipt of a copy of this order. This will apply to the petitioner also if in case he has not been issued with the identity card.



7.This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

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/ /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 Commissioner,
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Tirunelveli.
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Town Vending Committee,
Tirunelveli City,
Tirunelveli.
- 3.The Assistant Commissioner of Police,
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NS (CO)

LR (30.07.2021) 3P 5C