



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.6794 of 2021

S.Zahir Hussain

... Petitioner

Vs.

1. The Commissioner,
Tirunelveli City Municipal Corporation,
Tirunelveli.
2. The Chairman,
Town Vending Committee,
Tirunelveli City, Tirunelveli.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to issue vending Certificate to the petitioner for doing his street vending business in front of Heels Foot Wears Shop, Opposite to R.M.K.V., North Car Street at Tirunelveli Town by considering his application, dated 04.02.2021.

For Petitioner : Mr.T.Lenin Kumar

For Respondents : Mr.Aayiram K.Selvakumar for R1
Standing Counsel
Mr.M.Lingadurai for R2
Government Advocate

ORDER

This petitioner has approached this Court seeking for the issue of a Writ of Mandamus, directing the respondents to issue vending Certificate to the petitioner for doing his street vending business at North Car Street.

2.The learned Standing counsel appearing for the respondent Corporation submitted that the petitioner is not possessing Vending Certificate and he has 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 Identify cards and Vending Certificates 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 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 allowed to carry on with the vending business till the alternate place is made ready.

6. In the case of the petitioner, he do not possess any Vending Certificate. The learned counsel for the petitioner has taken a very specific stand that the petitioner has also submitted the application for Vending Certificate. The respondent Corporation is directed to process the applications received and identify the street vendors who will be entitled for the identity card and vending certificate 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 Vending Certificate 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.

7. This writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (AS)

// 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 Commissioner,
Tirunelveli City Municipal Corporation,
Tirunelveli.
2. The Chairman, Town Vending Committee,
Tirunelveli City, Tirunelveli.

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RC (30.07.2021) 2P-3C

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