



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **15.04.2021**

CORAM

THE HONOURABLE MR.JUSTICE **N.ANAND VENKATESH**

W.P. (MD)No.7792 of 2021

and W.M.P. (MD)No.5932 of 2021

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.. 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, praying to issue a Writ of Mandamus, forbearing the respondents from disturbing the petitioner's street vending business located in front of Ponnaiah Nadar Vessel Shop, opposite to Andi Nadar & Sons Vessel Shop, East Car Street at Tirunelveli City, except due process of law.

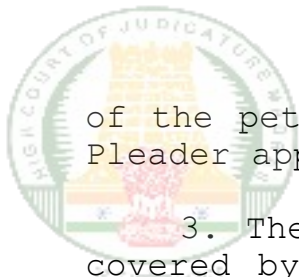
For Petitioner : Mr.T.Lenin Kumar

For Respondents : Mr.M.Muniasamy,
Addl. Government Pleader

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus, forbearing the respondents from disturbing the vending business conducted by the petitioner, except through due process of law.

2. Heard Mr.T.Lenin Kumar, learned counsel appearing on behalf
<https://hcservices.ecourts.gov.in/hcservices/>



of the petitioner and Mr.M.Muniasamy, learned Additional Government Pleader appearing on behalf of the respondents.

3. The issue involved in the present Writ Petition is squarely covered by the earlier orders passed by this Court insofar as the other street vendors, who had approached this Court.

4. For proper appreciation, the earlier order passed by this Court in W.P.(MD)No.7641 of 2020, dated 16.07.2020 is extracted hereunder:

"2. The petitioner's case is that he is carrying on street vending business in the petition mentioned site. The learned counsel appearing for respondents 3 and 4 would state that there are no shops in the petition mentioned site. It is also not in dispute with the said statement. The petitioner would inform that he comes with a wooden box in the morning and he will go back with the said wooden box in the evening. According to the petitioner, he has not put up even a temporary structure. It is not in dispute that the site in question is a non vending zone. But then, the petitioner is yet to be accommodated in the vending zone.

3. Mr.Aayiram K.Selvakumar, learned Standing counsel states that the proposal is pending and it is likely to be finalised shortly. The respondent Corporation is taking steps to relocate the petitioner to a vending zone. Since the process of identifying the alternative place and relocation is presently going on, the respondents are directed not to disturb the petitioner during the business in the petition mentioned site. The moment the alternative site is identified, the petitioner has to shift his business to the allotted site.

4. In fact, direction on similar lines has been passed by a learned Judge of this Court in W.P.(MD) No.328 of 2018 vide order dated 05.03.2018 (A.Syed Sulaiman V. The Commissioner, Tirunelveli City Municipal Corporation, Tirunelveli and 3 Others). The writ petition stands allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed."

5. The above order will enure to the benefit of the petitioner also.

6. In view of the same, till the respondents identify the alternate place and relocate the petitioner, they are directed not to disturb the petitioner from doing business in East Car Street, Tirunelveli. After identification of the alternative location, the petitioner should shift his business to the place allotted by the



respondents.

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

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Sd/-

Assistant Registrar (crl.side)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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.

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To

- 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.

+1 CC to M/s.SPL GP (SR-16044[F] dated 16/04/2021)

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-16102[F] dated 16/04/2021)

+1 CC to M/s.SPL GP (SR-16284[F] dated 17/04/2021)

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GS (19.05.2021) 3P 8C