



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.8534 of 2021
and W.M.P. (MD) .No.6415 of 2021

S.Maharasi

... Petitioner

Vs.

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

2.The Commissioner of Police,
Office of the Commissioner of Police,
Tirunelveli District,
Tirunelveli.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents from in any way dispossessing the petitioner from her regular place of street vending business of selling the Battani and Kadalai at the Vadakku Keela Ratha Veedhi, near Easan Vinayagar Temple, Tirunelveli Corporation limit on the basis of her representation, dated 26.03.2021.

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

ORDER

This writ has been filed for the issue of a Writ of Mandamus, forbearing the respondents from dispossessing the petitioner from doing her vending business near Easan Vinayagar Temple in Tirunelveli Corporation Limit.

2.The first respondent has filed a counter affidavit. The relevant portions in the counter affidavit are extracted hereunder:

"3.It is further submitted that the said area was already classified as Non-Vending Zone by the Vending Committee of the 1st respondent. Since



the petitioner's business of selling the Battani and Kadalai located at the Vadakku Keela Ratha Veedhi, near Easan Vinayagar Temple, Tirunelveli City is the most busiest place in the Town area wherein all the leading commercial shops are there, there is a strict restriction for the street vendors shops as well as any other eatery shops in the said road.

.....

5.It is humbly submit that the North Car Street is classified as Non-Vending Zone where the petitioner is doing business, the respondent Corporation has taken already appropriate steps to relocate the petitioner as well as the other authorized Street vendors to some other place. So the prayer sought for in the writ petition not to disturb them permanently will not feasible.

6.It is further submitted that in order to allocate alternative place for the said Street Vendors, the 1st respondent Corporation identified a place at Nainarkulam area and proposal for arrangement to accommodate those Street Vendors. But the proposal is delayed due as Underground Sewage Scheme and Children's Park works are in progress in that Area. As soon as the said alternative place become for the occupation all the street vendors in the said North Car Street would be shifted to the alternative place."

3.Heard Mr.B.Jameelarasu, learned counsel for the petitioner, Mr.Aayiram K.Selvakumar, learned Standing counsel appearing for the first respondent and Mr.M.Lingadurai, learned Government Advocate, appearing for the second respondent.

4.It can be seen from records that the petitioner has been issued with the Identity Card by the Tirunelveli Corporation. According to the respondent Corporation, the place where the petitioner is carrying on with the vending business has been classified as Non Vending Zone by the Vending Committee. Therefore, there is a restriction for carrying on the vending business in this zone. However, the alternate place that has been identified will get ready only in the year 2022, at which point of time, the petitioner has to necessarily shift to the alternate place. Till then, the petitioner will be permitted to carry on her vending business in the present location. It is made clear that 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 is made till the petitioner is provided with the alternate accommodation as found in paragraph 6 of the counter affidavit.

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

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 Commissioner,
Tirunelveli Municipal Corporation,
Trichy City.
- 2.The Commissioner of Police,
Office of the Commissioner of Police,
Tirunelveli District,
Tirunelveli.

+1 CC to M/s.SPL GP (SR-22664[F] dated 15/07/2021)

W.P. (MD) .No.8534 of 2021
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NS (CO)

LR (30.07.2021) 3P 4C